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THE
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Tros Tyriusque mihi nullo discrimine agetur.



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PRINCE BISMARCK, AS A FRIEND OF AMERICA AND AS A STATESMAN.

PART I.

SINCE I have undertaken to present this great statesman to the American public in the following pages—the man on whom all eyes in Europe are fixed so soon as any change impends in the fortunes of the Continent, or when men's minds are agitated by some important question—I rejoice to be able to begin by declaring him to be the friend of America. Prince Bismarck is, indeed, an old and warm friend of the United States and of their inhabitants. When he still bore the title of count, and, indeed, when he was simply Herr von Bismarck, he was well-disposed toward this great North American people, a favorable disposition which dated from his youth, and may be said to have been inherent in his nature. In other words, the Chancellor of the German Empire in this trait forms no exception among the German people, and is, in fact, the type of his nation, and the representative of the great majority of Germans who look beyond their borders, and are able to understand the nature of foreign peoples, and to estimate them according to their worth.

We Germans, too, are in the habit of regarding the Americans as “kin beyond sea,” for which we have many good reasons, in some respects even more cogent, perhaps, than have Gladstone's coun-

trymen. The mighty nation in the north of the transatlantic continent is a mixed people, drawn from various races, of whom the great majority are Germanic. These may be subdivided into two stocks—the Anglo-Americans and the German-Americans—both akin to us—the former from ancient times through the Saxon blood which runs in their veins, and the latter as the immediate offspring of their German mother, many of whom still speak the home language. The Anglo-Americans, the dominant race in the United States, are our cousins, and the German-Americans, fewer in number, although amounting to three or four millions, are congregated in the chief cities on the Atlantic seaboard and in the West, and thus exercise considerable influence in the formation of the national character; * these are, indeed, our own brethren, flesh of our flesh and bone of our bone.

The political life of America and much of its organization undoubtedly differ from what we find in Germany, but, side by side with important differences, there are, especially of late, in the recent institutions of both nations evident points of likeness, which would be still more apparent if each nation were not subject to the constraining power of necessity in their external circumstances, the relative position of the two countries, the character of their neighbors, etc., which have influenced the choice of their mode of government and the form of their institutions. It would not be difficult

* Dr. White, the representative of the United States at the Imperial Court of Berlin, on the late occasion of the opening of the International Fishery Exhibition, expressly declared and admitted the great benefits which the Americans have derived from Germany. He remarked that the chairman of the banquet, Oberbürgermeister von Forckenbeck, had spoken of the great services rendered to the exhibition by America, but that he must declare the Americans to be debtors to Germany. Every American was aware that Germany had rendered, and was still rendering, good service to America, both in a material and an intellectual point of view. Thousands of German laborers had crossed the sea, carrying with them their industrious habits, and there were now more than a thousand American students at the German universities and other places of education, who would see to it that the school system introduced into America from England should disappear. The Germans had brought their idealism with them, and had also distinguished themselves in the sphere of politics, of which the speaker gave an instance in Mr. Carl Schurz, who is a member of the Cabinet. Dr. White concluded his speech by saying that, "in the conflict against slavery and for a united country, the Germans had always fought for the good cause, as well as in the great controversy of political economy between a metallic and a paper currency. It would ever be a pleasure and an honor to the United States to take part with Germany in the promotion of industry and civilization." Great applause followed these words.

to adduce examples of what we have asserted. The German mode of government is a monarchy, while that of America is a republic. But the Americans as well as the Germans only brought the form of their constitution to perfection by a civil war which cemented the centrifugal elements. Not till quite recently did the Union become a perfect Federal state ; and the German Empire, which has replaced the disintegrated German Bund, is a similar structure, although erected on the basis of monarchy : the Senate corresponds with the Bundesrath, the House of Representatives with the Reichstag, the President with the Emperor. The German Empire is a military state, because it is surrounded by other like states, and is menaced with war ; America only requires a small army, since she has no rival and menacing neighbors ; yet her legislation in this direction shows that at least it is a question whether she would continue to be a republic were she forced by circumstances to maintain a standing army corresponding to her greatness and to the number of her inhabitants.

However widely the Germans differ from the Americans in political institutions, this difference has never produced a feeling of dislike or ill will toward our near and remote kindred. Neither have we been prejudiced by the fact that the majority of Americans differ from us in their manners, mode of life, and social customs ; and, indeed, I think I may affirm, on the strength of considerable and assured experience, that although they have, as far as race and language are concerned, more in common with our good friends in Great Britain, yet the hearts of the Americans are drawn toward us rather than toward those who are not only their brothers but their rivals.

We Germans can rejoice without grudging over the great qualities of the Americans : their realism, which is not without a touch of the ideal, and which does not exclude sacrifices to the latter ; over their bold yet comprehensive views of public and private affairs ; their spirit and persistence in overcoming difficulties. We concede to them without dissatisfaction or jealousy their vast resources and almost unbroken success, their continual progress toward a mighty future. On the other hand, we know that they are the only people which has not been filled with envy and groundless fears by our acquisitions in the late war, by our entrance into the circle of dominant European nations, and our position as a great and pacific power. Just as we, during the war between the Northern and Southern States, shared the hopes of the majority of Americans for the tri-

umph of the cause which was finally successful, so we counted on their sympathy with our national party when a few years later the question of our existence and the crisis of our fate approached. In 1870, when Mr. Bancroft's letter to the Chancellor of the Empire was published, in which he, as the representative of the United States, congratulated himself on having been an eye-witness of the triumphant success of our German policy, he was generally regarded as the interpreter of the sentiments of his countrymen, and the letter was hailed by the whole German press as a matter for congratulation.

From the time when America succeeded in severing her connection with the mother-country, a good understanding between the two nations has always subsisted, nor is there the least reason to suppose that it will not be permanent. It is well known that Frederick the Great was unconditionally on the side of the American colonies in their conflict with the mother-country, and in their attempts to form independent States; he openly rejoiced at their success in the presence of the English ambassador, and afterward entered into friendly relations with the States. These relations were maintained uninterrupted by the Prussian rulers who succeeded him, nor is there any change in our time.

Prince Bismarck's sentiments toward America are mainly those of the German people as a whole; so that it is enough to say that these sentiments may be further explained by the fact that the temper of the American people and that of our great regenerator have some qualities in common with each other, of which I need only mention here the daring and far-sighted policy, the bold and persistent triumph over all difficulties, and, above all, the realistic views and treatment of affairs observable in the entire conduct of them both.

A foreshadowing of this similarity of temper and of this partiality for America may, as I have already said, be traced in the undeveloped Bismarck, in the Göttingen student of 1833. John Lothrop Motley, the future historian and diplomatist, and another American student named Coffin, are mentioned among his friends at that time. With the latter especially he seems to have conversed on political matters. The question whether there would be a united Germany in the course of another twenty years became the subject of a wager. Coffin said "No," and Bismarck "Yes," and the winner was to receive five-and-twenty bottles of champagne, which they were to drink together. "When the time had elapsed," so Bismarck

told the story during our campaign in France, "I remembered our wager, and wished to cross the sea to conclude the affair, and drink the forfeit with him. But, on making inquiry, I found that he was dead. Poor friend ! his name was no good omen."

Bismarck retained his prepossession for Americans, on a more thorough acquaintance with history and geography, after he became a minister, and finally when he rose to be the leader of German policy. During the Franco-German war, generals of the United States army, accompanied by civilians, were often presented to him. Sheridan appeared at Port à Mousson with his aide-de-camp Forsyth, and his interpreter Mr. McLean ; at Ferrières there was Burnside, and another American, whose name I have forgotten ; and at Versailles some other American visitors, all of whom were welcomed and treated as distinguished guests. They were even admitted at times when he was full of work, and other visitors were sent away. "I do not know how these Americans have bewitched me," he said to me one evening at Versailles, "but I can not send them away, although I have so much to do that for me the day ought to have six hours over and above the four-and-twenty." Sheridan repeatedly dined with the Chancellor, and accompanied him to the battle-fields of Metz and Sedan. They seemed to be mutually interested and pleased with each other ; so much so that, when the American general had found shelter for the night in a peasant's hut at Rézonville, he was several times heard to murmur, "Dear Count !" in his sleep.

The Chancellor was also much pleased with Bancroft's letter, of which we have already spoken. It reached us at the Rothschild château at Ferrières just as we sat down to dinner, and after reading it he handed it to me, that I might translate it to such of our guests as did not understand English. During the siege of Paris, the Count was on more friendly terms with Washburne, American envoy to the French Government at that time, than with the other foreign representatives who remained in the city, and Washburne was of great use to those Germans who were left there. There was also a young American named Moulton, brother-in-law to Count Hatzfeld, one of the Chancellor's suite, who, if I remember right, had some property at or near Brie, and in whose sprightly, unaffected manner Bismarck seemed to find especial delight : he was always a welcome guest at dinner at Madame Jessé's house.

The Chancellor's good feeling for the Americans, which is apparent in these slight touches, was not changed when public opinion

in America inclined toward the French people after their sudden transformation into republicans, nor even when private persons in America supported the resistance of France by sending over arms and other materials of war. The war materials sent by the English were regarded with very different feelings, for in their case we beheld secret enmity, in the Americans only a mercantile spirit.

I must reluctantly pass over further proofs of Bismarck's attachment to America, which I regret the more, since they are highly characteristic of the Prince's tone of thought. Yet, before we turn to other considerations, it is worth while to mention the following fact: In the spring of 1873 I saw a framed portrait in the Chancellor's study, which was leaning against a chair until it should be hung up; and on coming close to it I recognized the features of President Grant. He was there in good company. Very few pictures adorned the walls of the room in which the Prince was working at the time, but they represented for the most part historical characters, and contemporaries of the highest repute; the Great Elector, Frederick the Great, the Emperor William, Victor Emanuel, and the *Schlachtendenker*, Moltke, looked down from their frames on those that entered the room.

Let us now consider the great Chancellor from another point of view, and inquire into the secret of his wonderful success. German dreamers, worthy people but not clear thinkers, have discovered that it is solely and altogether due to the popular spirit, the *Volksseele*. The whole scheme was devised and carried into execution by the *Volksseele* through popular agitation, directed by the sage judgment and the infallible counsels of professors, lawyers, and men of letters, who were its mouthpieces; through its associations and mass meetings, its Schützenfests, its Turnerfests, and its Sängerevents. Others have ascribed to chance and to a long run of good luck the events which have reconstituted Germany, and have raised her from a weak to a powerful state. Others, again, whenever he has come forward and carried into execution any grand scheme, have seen only the evidences of blindness, stupidity, or treachery among his opponents.

I am of quite another opinion, although I do not deny that a grain of truth may lie at the bottom of some of these explanations. These outgivings of the *Volksseele* were at best of secondary importance—mere sentiment and *velleïté*, oftentimes not even helpful. And here we are reminded that at the very beginning of his political career Bismarck said to Disraeli, "I wish to save Germany

from the professors." What is called good luck is for the most part capacity and energy in making use of circumstances. Frederick the Great, indeed, paid homage to King Chance, yet those who quote this saying should remember that it is accompanied by the remark, "Qu'un homme d'esprit dise un mot, cela suffit pour que mille vous le répètent." The blind stupidity of hostile princes and statesmen has involuntarily contributed to the success of many of the Chancellor's schemes, but it was impossible for him to calculate on such aid beforehand. And the treachery which is supposed to have helped him is only a delusion of the French, who, on the collapse of their assumed invincibility became so excited that, with all their natural intelligence, they were like people who imagine that they see a ghost, and they were ready to believe the most wonderful inventions. It is a legend which may be repeated by the present generation of our neighbors on the other side of the Vosges, but which will find no place in history, even in France, and which we Germans may at once reject in our attempt to account for our success.

I have, therefore, only to regard our Chancellor and his acts in the light in which they would probably be considered by the gifted author of "Heroes and Hero-worship"—that is, I am convinced that Prince Bismarck has really made himself and Germany great by the surpassing keenness of his political insight and by the strong will which have done such great things for Germany. He is a product of the slow development of the German nation, which began with Frederick the Great, and was accelerated by the war of liberation; a development which, as time went on, was concentrated, with all its legitimate aspirations, on a single personality, and in this concentrated form its power was so gigantic as to overthrow the foundations of the old world, and to construct a new and fairer building out of its ruins. In other words, he appears to those who know him most intimately to be one of the men ordained by Providence, one of the great geniuses or heroes who appear from time to time to direct the energy of their people into new and higher paths, by which they may attain to fuller activity and recognition, and may thus become, when rightly estimated and used, a blessing to their neighbors and to the whole civilized world. The Chancellor Bismarck, already regarded by many in this his historical aspect, will, when party spirit has subsided, and there are more abundant materials for the interpretation of his character, be more generally recognized as such a God-sent hero, endowed with divine genius.

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It is, therefore, in himself that I seek, and believe to have partly found, the solution of the riddle of his astonishing success. Only in part, for while we can analyze his political method as it is expressed in acts and words, his genius is incapable of definition, since it is full of surprises, ever working with new expedients and in new ways, ever devising unexpected combinations. Like everything informed with genius, it falls into the sphere of that creative force and impulse which a German philosopher has designated as the unconscious. He has this quality in common with Shakespeare and Goethe. We can enjoy, admire, and analyze their works, yet no one can enter so closely into what moves and inspires their hearts as to equal them. A man must be born a Goethe or Shakespeare of the spirit of poetry, just as a Bismarck is only born of the spirit of history.

If, now, we consider the working of this genius, which acts unconsciously in his inmost being, and which therefore is veiled to all scrutiny, we discover as it were the symptoms of this innermost process: an intellect that essentially, or, more properly speaking, that necessarily, naturally, and spontaneously aims only at what is attainable; a searching and penetrating insight into the means best fitted for reaching its ends; and a clear perception of the obstacles, whatever they may be, which might impede or arrest its progress toward its object. We find the same readiness in concession as in persistence, and a steady pursuit of the main lines of his enterprise through all the circumstances that occur. A nearer examination will show a delicate hand, never missing the right spot as it probes and handles all the personalities with which he has to do; the gift of always knowing the right moment at which to strike a decisive blow, or to defer action until the fitting hour arrives, and an extraordinary knack of insensibly leading his opponent to put himself in the wrong in the eyes of the world. We may also admire his singular impartiality with respect to liberal and conservative party warfare, his perfect readiness to accept facts, which, however, is accompanied by an attractive warmth and poetic illusion in his estimate of results; the great energy which shrinks from nothing which is expedient and necessary, and at the same time a moderation which only demands what is absolutely necessary, and is ready to sacrifice trifles in order to come to an understanding. He has worked with simple tools which have from their very simplicity been often overlooked and despised, and that not only once, like Columbus with his egg, but by combining in every great undertak-

ing a cool head with a warm heart, by uniting Achilles with Odysseus in his own single person. Many will agree with me that this is an approximate solution of the problem of that success by which this extraordinary genius has surprised the world.

The Chancellor acted with wonderful skill during the years preceding the war of 1866, and still more surprising perhaps were the clear-sightedness and dexterity with which he was able to restrain the French in their thirst for "revenge for Sadowa" until the right time for Germany arrived, and we were able to meet their attack with decisive success; he caused the Emperor Napoleon to compromise himself again and again in the eyes of Europe, and was able to conduct the war so as to secure the neutrality of the other powers. With masterly art he acquired the good will of Russia, and gained over the south German states by his forbearance; he induced Bavaria to undertake the task of restoring the imperial dignity, and in this way he crowned the edifice of the German Empire; he caused Alsace-Lorraine to be declared the joint possession of the German princes, so as to make its preservation the common interest of the empire, and thus forged a new bond to unite the north and south. He displayed his diplomatic talent as an "honorable broker" in his presidency of the Congress of Berlin; and finally when he accomplished the Austro-German alliance which, as he expressly declared, had been his object for years, and for which he had paved the way by skillful management.

But, in our opinion, the Chancellor's most brilliant act of statesmanship was that by which he first entered into the arena of foreign policy, and acquired Schleswig-Holstein for Germany. By the death of Frederick VII, the hereditary Prince of Augustenburg succeeded to the duchies to the north of the Elbe, in accordance with a title which was admitted by many adherents both in that country and in the rest of Germany, but which had been repudiated by Prussia and Austria in the London protocol. Public opinion in Germany called upon Prussia to withdraw from this compact, and to obtain the duchies for the Prince of Augustenburg. This appeared to be the best way of baffling the European coalition against Prussia which had been contemplated some months before, on the occasion of the Prusso-Russian convention held in Berlin, with the view of coercing the turbulent Poles. Bismarck's keen eye perceived this, and at the same time another way of attaining his object. He opened the campaign not against but for the London protocol. For Denmark had, contrary to her engagement, incorporated Schleswig with her-

self. The tone in which the Minister declared it to be "the dictate of honor and prudence to throw no suspicion on our good faith" plainly shows his meaning in abiding by the London protocol. The Prussian delegates were too dense to perceive it, looking at the matter in a narrow, short-sighted way, and clinging to the title afforded by an old, yellow, worm-eaten parchment, while they were also blinded by their hatred for the Minister who opposed them. The secret of success, by renouncing the establishment of a right at the right time and in the right way, is only known to few. Europe could do nothing against a campaign in favor of the London protocol, and Austria was forced to take part in the war, since she could not allow Prussia to act alone in the affairs of Germany. In this way Bismarck obtained the duchies by right of conquest, and Denmark provoked a war with the two great German powers by her breach of the agreement.

Bismarck himself appears to regard this manœuvre and his subsequent action upon it as his most important achievement. One evening in the autumn of 1877 we sat together over the fire in the billiard-room at Varzin, discussing the issue of the war with France, and the Chancellor said: "When I was made a prince, the King wished me to take the arms of Alsace and Lorraine. But I would rather have had the arms of Schleswig-Holstein, for that is the diplomatic campaign of which I am most proud." The Legationsrath von Holstein, who was also present, asked whether he had intended to acquire it from the first. "Yes," replied the Prince, "directly after the death of the King of Denmark. But it was hard to accomplish. Everything was against me—Austria, the small states of Germany, the ladies of our court, the liberals, the English—all the world, as is well known. Napoleon did not oppose; he thought he thereby placed us under obligation. Even the King for a long while would not hear of it. We held a council of state at the time, at which I fired off the longest speech I had ever made, and repeated to my hearers things which must have appeared to them extravagant and impossible." He went on to give the substance of his speech (which, however, I will not repeat), and then continued: "To judge from their astonished air, they really supposed that I had taken too much wine at breakfast. Costenoble drew up the protocol, and, on looking at it, I found that the passages on which I had laid most stress were omitted, and it was on these that I chiefly relied. I remarked upon it to him. He said that I was right, but he thought that I should be

pleased to have them kept out of sight. I replied : ' By no means. You certainly thought that I had been drinking, but I insist that the words shall stand as I spoke them.' "

" We will trample down with an iron heel all which is opposed to the restoration of the German nation in its splendor and power," the Chancellor once exclaimed in the Reichstag. But, as soon as the victory was won, he always advised that it should be used with discretion, and in a moderate and conciliatory spirit. That in 1866, in view of a reconciliation that was effected in 1879, Austria lost none of her territory ; that the kingdom of Saxony was preserved, and that the south German states were not at that time obliged to surrender anything to victorious Prussia—this they owed to Bismarck. It was not always easy to carry out his moderate views, and on other questions all his energy was required, as, for instance, in 1863, when the Fürstentag of Frankfort wished for the reconstruction of Germany under the house of Hapsburg. At Nicolsburg his royal master wished that every conquered state should surrender some territory ; that Austria should cede part of north Bohemia and her Silesian possessions ; that Saxony should give up Lausitz on strategic grounds ; and that Bavaria should be deprived of the broad strip which includes Ansbach and Bairreuth, since these had belonged to his Majesty's ancestors. And in this and other cases the cession was to be a punishment. But Bismarck declared this to be contrary to good policy, and that in such cases the matter must be left to the justice of God. In political decisions the only criterion was, *Cui bono?* and no sentimental claim should be made for what we did not really require. In certain cases we might seize all, but, if not, we ought to seize nothing.

The Chancellor related at Varzin the following characteristic episode relating to the same period : " At the council of war held in my room at Nicolsburg, others were in favor of carrying on the campaign into Hungary, but I was opposed to it. I felt that we had the cholera against us, the Hungarian steppes and marshes, the complete change of front, political considerations, etc. The rest persisted, and I spoke once against the scheme in vain. I then went out of the sitting-room into my bedchamber, which was only divided from it by a wooden partition, and I threw myself upon the bed, and cried aloud in my nervous excitement. After a while silence reigned in the next room, and the matter rested there." The Minister, also, came near to having a fit of crying during that momen-

tous discussion at Baden-Baden to which King John of Saxony and his evil genius Beust came from Frankfort to visit King William, and induced him to decide at the last moment to obey the Emperor Francis Joseph's summons to the assembly of princes, and thus in a certain sense to mediatize himself. Bismarck was almost beside himself from the excitement with which he had opposed the King's resolution, and, when his efforts were at last successful and he was able to withdraw without anxiety, he was seized with convulsions, so that in shutting the door he wrenched out the latch. His aide-de-camp in the anteroom anxiously inquired the reason why he was so pale and agitated.

When the war of 1866 became a certainty and the Prussian Liberals declared themselves to be decidedly opposed to it, a furious attack was made on the Minister by a noted Berlin newspaper. Bismarck, to whom this was not a matter of indifference, sought an interview with the editor, and it took place, but without result. "I see, my dear Doctor," the Count said in conclusion, "that we shall not come to any understanding. You will continue to attack me, and I shall not change my course. But, if you knew what a struggle it has cost me to convince his Majesty that we must fight, you would understand that I only obey the law of necessity. In another half year I will ask you which of us is right." Before the half year had elapsed, they met in the street; the Minister gave the Doctor his hand, and his large gray eyes silently demanded, "What now?" The editor now understood him, pressed the Count's hand, and nodded.

The Chancellor was as forbearing as possible toward the jealousy with which the smaller states of the empire attempted to assert their prerogatives. For instance, he declared himself indifferent whether they carried on the farce of sending embassies to foreign courts or not. He once said, when drinking tea at Rheims, that "it was a mistake to suppose there was danger in keeping up the diplomatic representatives along with those of the Bund. Even if the states were powerful, it would be easy for them to exchange letters at foreign courts, and to intrigue against us by word of mouth, without the aid of official representatives. A dentist, or some such person, would suffice for the purpose." At Versailles, on the admission of Bavaria into the new empire, he willingly agreed to the request of King Louis that he should retain certain special rights. The national zealots severely condemned him for this concession, but they did not understand that the matter was

pressing, and in their zeal overlooked the fact that the Bavarians were not conquered enemies but allies. In the last cabinet crisis (April, 1880) the current report that he purposed to introduce a change in the constitution which would restrict the privileges of some of the allied states was an invention of the newspapers. "Nothing was further from my intention," he said to me on this occasion, "the constitution of the Bund needs no change as long as the rights which it concedes to individual states continue to be used with moderation."

While Bismarck is forbearing wherever it is possible, he never shrinks from taking what is necessary, and he then acts with startling promptitude. In the summer of 1870 the hope of conquest was far more widely diffused through Germany than the fear of defeat. But at first the barren sentiment was equally prevalent that any one who spoke of the acquisition of territory which would give us a better western frontier was a visionary. It would only make France into our perpetual enemy, and it would be useless to incorporate Alsace-Lorraine, since the inhabitants wished to have nothing to do with us. Then followed the two declarations of September to the representatives near the neutral powers—the first from Rheims, on the 13th, the second from Meaux, on the 16th—both issued soon after we had crossed the French frontier, which were acceptable to public opinion in Germany in their general tenor. No prouder words had ever been spoken in the name of the German people, yet it was not the pride of exaltation which was expressed in those documents, but that of duty—the sober judgment which does not flinch from the truth, and draws aside the inmost veil which conceals the meaning of things.

MORITZ BUSCH.

CANADA AND THE UNITED STATES.

It is perhaps rather late, after the lapse of three months, to reply to the paper of Sir Francis Hincks on "The Relations between Canada and the United States"; but the great revolution which in the mean time has taken place in England alters the aspect of this among other questions. At all events, I will be brief.

My principal object is to remove, if possible, from the minds of American statesmen, and any other Americans who may take an interest in this matter, an impression which the language of Sir Francis Hincks and of writers in Canadian journals hostile to American connection, such as the Toronto "Globe," is calculated to convey with regard to the nature of the movement which is going on in Canada. That a movement of some kind tending to closer relations with the United States is going on, nobody can fail to see; otherwise, why should Sir Francis Hincks be so uneasy, and why should the Toronto "Globe" be seized about once a week with a paroxysm of calumnious rage? But the language of Sir Francis Hincks and of the "Globe" would lead the reader to suppose that what was on foot was a political cabal or conspiracy of some kind got up by the arts of a knot of politicians for the objects which political intriguers usually have in view. This is not the fact. The movement is essentially economical, rather than political, though it brings political feelings into play, and it is spontaneous if ever a movement was. Those whom Sir Francis Hincks's courtesy usually styles "agitators" are no more agitators than he is now, nor half as much agitators as he once was: they are not in politics at all, and consequently can not be actuated by political ambition; they are either commercial men or journalists, and, if they are journalists, I am not aware that their style is particularly demagogic, or that, while they treat with frankness the subjects of the day, they betray any impatient desire to precipitate events. I can answer for one of them that he is as profoundly convinced as it is possible for any

human being to be of the inexpediency of precipitating events, and of the necessity of awaiting the formation of mature and deliberate opinion in both of the communities whose relations to each other are concerned. Sir Francis Hincks is one of a party which, with the best intentions, does its utmost to give the policy of Canada what may be called an anti-continental turn. He must not reproach those who, believing this to be a mistake, take the liberty of expressing their opinion, and of endeavoring to counteract the estrangement which it is his object and that of his friends to produce. They feel that they may do this without placing themselves in any way in a false position. Sir Francis Hincks evidently thinks that he places himself in no false position by writing about the relations between the two countries in an American journal. He is right. I have spent some years in the United States, not as a mere sojourner, but engaged in educational work with my colleagues ; I think I may say I have had full access to the real sentiments of the people, and I can truly say that I never heard a syllable implying the slightest desire of interfering with the independence of Canada, or in any way doing violence to her inclinations. I believe we may discuss these questions with the freedom of friendship and of natural partnership in the advantages and destinies of the New World.

Canada is attracted, economically, to the rest of the continent of which she is a part ; while, as the recent application of the Boston merchants to Congress shows, the rest of the continent is at the same time attracted economically to her. This is the movement which is really going on, and which by its increasing manifestations excites the alarm of Sir Francis Hincks and the "Globe." It is not the offspring of intrigue, but the behest of Nature. No conspiracy except the mutual interest of the two nations gave it birth : no denunciations will put it down.

Let those who think that they can for ever arrest or even reverse this commercial gravitation consult the map. I do not mean the map political, in which the Dominion of Canada appears as a compact half continent, but the map economical. In the map economical the Dominion consists of four distinct territories, separated from each other by great natural barriers. Between the Maritime Provinces and old Canada (Ontario and Quebec) lies the wild country through which the Intercolonial Railway runs ; between old Canada and Manitoba lies the desert to the north of Lake Superior ; between Manitoba and British Columbia lies not only a formidable tract of

desert but a series of mountain-ranges still more formidable. Each of the separate territories is by nature connected commercially with an adjacent portion of the Union : Nova Scotia and New Brunswick with New England ; Quebec and Ontario with the States to the south of them, Ontario drawing her fuel from Pennsylvania ; Manitoba with Minnesota, from which she is divided merely by a diplomatic line ; British Columbia with California. The natural routes between the four territories lie not over Canadian but over American ground, and commerce will follow the natural not the political routes. On the other hand, the action of the Boston merchants shows that the identity of commercial interest and the evils of commercial severance are felt by the United States as well as by Canada. The people of the United States want Canadian lumber, they want the trade with the Maritime Provinces, they want the free and secure use of the St. Lawrence. The American fishermen want free access to the Canadian fisheries, as much as the people of the Maritime Provinces want admission to the coasting trade of the United States.

Herculean efforts have been made, not by the Canadian people, properly speaking, but by Canadian statesmen, acting for political purposes, and in concert with English imperialism, to reverse the order of nature, to sever Canada commercially from her continent, and to bind her economically to England, to the dependencies of England, even those on the other side of the globe, and to every portion of the world except the dreaded republic. An imperial Zollverein has been projected ; negotiations for commercial treaties have been opened with European nations ; an editorial appeared some time ago in the Toronto "Globe" proclaiming the discovery of a market in Australia, which would more than compensate the loss of these at our own door. At the same time a series of gigantic railway enterprises has been undertaken, for the purpose of connecting the four separate territories by lines running entirely within British territory, so as to avoid any partnership in highways with the American Republic, and beyond the reach of the enemy in that war between Canada and the United States, a belief in which, as an event of the future, is one of our imperial institutions. The result, while it has been injurious to the interests of the United States, has not been satisfactory to the Canadian people. The negotiations for commercial treaties have failed, as it was likely they would, when opened by a dependency without full treaty-making powers. The first of the politico-military railways, the Intercolonial, uniting

the maritime provinces with old Canada, has cost thirty-six millions in its construction, is run at a heavy annual cost to the Government, and is likely to be less useful and more of a burden than ever when the natural route is opened, as it soon will be, through the State of Maine. From the immense expenditure involved in the operation of extending the politico-military system of railways westward, under the name of the Canadian Pacific, the less adventurous portion of the community, including apparently Sir Francis Hincks himself, is beginning to recoil. The leader of the opposition in the Dominion Parliament moved, the other day, to postpone the construction of a portion of the railway within the territory of British Columbia. He was defeated by a strict party vote, the Government commanding a large majority. But there is little doubt that in caucus, to keep the representatives of Quebec and the eastern provinces under the standard, the Government had to give assurances of caution and delay. More than this, the Minister of Railways, in his speech, allowed it to be plainly seen, by a significant omission, that the construction of the projected line to the north of Lake Superior, through a country desperately difficult, was was not to be put under contract, and that the Government would content itself with the natural route, which runs to the south of the lake through American territory between Duluth and Sault Ste. Marie. This is a virtual abandonment (perhaps it would be officially called a postponement) of the whole project, so far as its military and political objects are concerned, since there can be no military or political continuity if the line, in a part of its course, and that the part nearest to Canada, runs over foreign ground. The nearest link in the projected chain is missing. The territories which it is proposed to weld into a united community are not even made conterminous.

The expenditure entailed by that part of the separatist policy which consists in constructing a vast system of political railways, in defiance of the greatest natural obstacles, within Canadian territory, fatally conflicts with the other object, of tightening the commercial bond with England, because it renders necessary an increased taxation and the imposition of higher duties on British goods.

For my own part, I am a member of the Cobden Club, and a believer in its motto, "free trade, peace, good-will among nations." But my belief is in the motto as a whole. My conviction is that, without peace and good-will among nations, the renunciation of aggran-

dizement, and the reduction of armaments, there can be no free trade. Canada has a tariff, the United States have a tariff, England has a tariff—every nation has a tariff. Everywhere the tariffs are violations of free trade, and everywhere they will be necessary till ambition takes its departure and leaves the world at peace.

I have said that Sir Francis Hincks is of the number of those whom the present aspect of Canadian finance disquiets. If to say agitating things is to be an agitator, he will hardly escape the name. In a recent article in his Montreal "*Journal of Commerce*," reviewing the financial position, he described Canada as "piling up annually a gigantic debt," as "drifting into bankruptcy," as being hurried "to a day of reckoning" which assuredly could not be far distant. He depicted the situation of the Province of Quebec as equally bad with that of the Dominion. The main cause of all this, he distinctly intimated, was the expenditure on "public works"; that is to say, on the politico-military railways, the Intercolonial and the Canadian Pacific, as well as on canals, the construction of which is partly dictated by similar views. The cut-throat system, instead of the system of amicable partnership, applied to railways, canals, and commercial relations generally, is in fact the principal source of the evil, and the admission is most significant when it comes from Sir Francis Hincks, who, as a Canadian Tory Minister, has been personally responsible for the course which has been pursued.

The Canadian people, apart from any wish for political change, are disquieted, as well they may be, by the financial results of a policy which adds the ruinous expenditure of a chimerical imperialism to the commercial atrophy caused by the severance of Canada from her own continent and her natural markets. In 1878 they voted out the "Grit" Government, of which the head was Mr. Mackenzie, because it declared its inability to do anything for the improvement of the commercial situation; and they voted in Sir John Macdonald, who undertook to make an attempt. The "national policy" had been pressed upon them by protectionists as a panacea, and, without knowing very clearly what it meant, they determined to give it a trial. This was the real meaning of the election of September, 1878, so far as the popular feeling was concerned.

When from the people the "national policy" passed into the hands of the politicians, for practical application in the form of a tariff, they gave it the mold of their own political sentiments, which are imperialist, and produced a plan which they are able to repre-

sent to England as anti-American, though it at the same time increases the duties on British goods. But already the people are dissatisfied, in the Eastern provinces at least ; so much so, as to make it highly probable that, if a general election were now to be held, the result of the last would be reversed. A policy framed on the principle of severance, though the work of able hands, has failed, as it will always fail, to touch the real source of the evil.

Its failure does not lessen the significance of the vote of September, 1878. On that occasion people, in a country where political feeling is very strong, deserted by thousands the standard of their party, and broke through the party lines under the cover of the ballot, to vote for that which they hoped would promote their material welfare. Let a similar hope once more present itself, and they will do the same thing again.

On the whole, from the manifestations of dissatisfaction with the present state of things on both sides, it may be safely predicted that Canadian and American statesmen will soon be in conference on the subject of commercial relations ; perhaps the fisheries dispute, which is always recurring in some form, may bring this question also to a head. Two plans will present themselves for consideration—commercial union and a partial reciprocity treaty like the last. The objections to a partial reciprocity treaty are, in the first place, that it would not rid us of the customs line ; in the second place, that it would be extremely difficult to render the scheme fair to all interests ; in the third place, that it could hardly fail to make Canada an entrepot for European contraband, and thus to give rise to disputes which would be fatal to its own existence ; in the fourth place, that as the offspring of a dominant party or a particular national mood, it would be always in danger, through a loss of power by the party, or a change of the national mood, of being overthrown as the last was, with all the industries built upon it. A commercial union would be permanent, and would, in addition to its other advantages, give perfectly free circulation to capital and commercial life. No doubt difficulties would attend it, because it would involve an equalization of tariffs ; but the difference between the tariffs has already been greatly reduced. It is to be hoped that commercial union will receive the first consideration : if it proves impracticable, we must fall back on a reciprocity treaty, which in itself would be a gain.

Revolutions are sometimes necessary, but they are always evils. No revolution could be more necessary than that which released the

New World from bondage to the British aristocracy, and set it at liberty to work out its own destinies. Yet its blessings were dearly purchased. On England it brought loss, shame, and estrangement from a large portion of her race; on the French monarchy it brought bankruptcy, which, if peace had continued, Turgot's policy might have averted, and as the consequence of bankruptcy the most frightful catastrophe in history. Nor did the people of the United States, though victorious, come forth unscathed. The usual effects of civil war were produced on their political character. Their republic was launched with a revolutionary bias the opposite of which was to be desired, and a permanent ascendancy was given to a revolutionary sentiment, which in course of time generated the rebellion of the Southern States, whose principle of resistance to a government which they did not like had been often formulated by Northern lips. We have another evil legacy of the Revolution in the relations between Canada and the United States. In ordinary cases the vanquished party in a revolution remains in the country, and, when the storm of political passion has subsided, blends again with the victors. In the case of the American Revolution the vanquished party was driven into exile by acts of attainder and confiscation. It colonized British Canada, and there perpetuated, in the form of a separate group of settlements, dividing the northern section of the continent from the rest, the antagonism of the civil war. Had the English revolutionists of 1688 confiscated the estates of their opponents, and driven all the Jacobites into Scotland, they would have done their island the same mischief which was done to this continent by the treatment of the defeated Tories after the Revolution.

Enthusiastic attachment to the crown for which they had suffered, and which had given them their new abode, was a natural and honorable sentiment on the part of the loyalists settled in Canada. It carried with it a feeling of antagonism to the American Republic, which was increased by the calamitous war of 1812. Scarcely had the enmity begun to slumber, when it was revived by the events of 1837, though the party in Canada with which the people of the United States had displayed their sympathy, and which consisted mainly of a later set of immigrants, while it was defeated on the field of battle, triumphed in the political conflict and achieved responsible government. Disputes about boundaries and fisheries added, from time to time, fresh drops to the cup of bitterness; and a violent access of mutual ill-feeling was brought

on by the events connected with the American civil war, by the harboring of Southern refugees and the St. Alban's raid on one side, and on the other by the Fenian invasions of Canada, which the people of the United States viewed, perhaps, with not inexcusable complacency, but which, instead of punishing the English Tories, promoted the objects of their policy by further estranging Canada from the United States. The Fenian raids also gave a fresh stimulus to Orangeism, which is an embodiment of exclusively British sentiment.

Still, an enmity for which there is no good ground, and which in its consequences is mischievous to both sides, can not be everlasting. The economical forces have asserted their power. Commercial intercourse has softened the sharpness of the border-line. Here, as elsewhere, railways have exerted their unifying influence. The social and business relations of the people of the two countries are everywhere governed by courtesy and good-will. Canadians mingle with Americans at places of summer resort in the United States, while not a few Americans spend the summer in Canada. In fact, it may be said that a social fusion of the two nations has to no inconsiderable extent been going on. It has been asserted that the annual number of emigrants from Canada into the United States is forty thousand, and that there are now nearly a million of Canadians, French and English, south of the line. These estimates must be very vague, and probably include a number of cases not really belonging to the category of emigration; but there can be no doubt that a current is constantly running both from French Canada into the Eastern States, and from British Canada into the West. On the other hand, there are not a few Americans in the commercial cities of Canada. During the civil war, while the Canadian Tories, in sympathy with those of England, were taking part with the South, numbers of Canadians—I have heard on good authority as many as forty thousand—enlisted in the armies of the North. A Canadian youth, if he does not find a career in his own country, goes to seek his fortune at New York or Chicago with as little compunction or hesitation as a young Scotchman goes to seek his fortune at Manchester or London. It is absurd to regard two nations which are rapidly commingling as natural enemies, and to attempt permanently to found their relations and the policy of each of them upon that supposition. If the old border-feeling has lost its intensity in old Canada, in Manitoba it does not exist. The population there is very mixed, and likely to

be still more so ; the division is a mere political line ; and there are no trophies or memorials of the war of 1812.

During the last five or six years Canada, like the rest of the empire, has been swept by a wave of Jingoism. All engines, social and political, have been plied to stimulate imperialist, aristocratic, and anti-continental feeling : the governor-generalship has been turned into a viceroyalty ; the forms of a court have been introduced ; and an attempt has been made, though with indifferent success, to introduce etiquette. Ministers at Ottawa have been required to put on Windsor uniforms. A body-guard, in imitation of the English Guards, has been created. There has been talk of raising a Canadian contingent for the British army. Appeals of all kinds have been made to the military spirit ; and the Pacific Railway, the grand enterprise of the anti-continental policy, has been zealously pushed forward. The time seemed to have come for practically withdrawing the concession of self-government, bringing Canada again under aristocratic rule, and completely detaching her, politically and commercially, from the New World. In the last days of the Jingo Government a Canadian High Commissioner was appointed and sent to England to negotiate something in the nature of an imperial Zollverein ; possibly, also, something in the nature of imperial federation. To regard the people of the United States as a hostile or at least an unfriendly nation was the leading principle of the dominant policy in its application to Canada ; and that phrase, used by the High Commissioner in his farewell speech at Montreal, would have been the keynote of his confidential communications with the Jingo Premier. Lord Beaconsfield had evidently promised assistance to the Pacific Railway in case at the general election, which was impending, he should come out victorious with a new lease of power. Had Jingoism continued in the ascendant, a determined effort to create a distinctly anti-democratic empire in the northern part of this continent, under the patronage and in the interest of the British aristocracy, would no doubt have been made.

But, while the High Commissioner was on the ocean, Jingoism fell ; and it has fallen not to rise again. In a country where wealth is so powerful and social gradations are so strongly marked as in England, conservatism of the ordinary type will always abound, and its accession to power, at no great distance of time, is a perfectly possible event. But for Jingoism there is no resurrection. The conditions under which it was generated, and the chief of which was the fullness of bread caused by ten years of extraordinary com-

mercial prosperity, are not likely to be reproduced. The aggressive action of this singular power may be regarded as at an end; and the Canadian limb of the confederacy will wither with the tree out of the heart of which it grew.

It is not to be supposed that the change of Administration in England will be followed by any marked alteration of colonial policy. Probably there will be rather an anxiety to put away the reproach which has been cast on the Liberals by the Tories, and of which the late Tory Premier tried to make capital in his election manifesto, of turning the cold shoulder to the colonies, and promoting the "decomposition" of the empire. But there will be an end of making Canada the engine of hostility to the American Republic. It is the traditional policy of the Liberals, instead of treating the American experiment in popular government with jealous hatred, heartily to accept the honor of the connection, and to endeavor to efface the consequences of Tory error in the time of George III, by reuniting in the bond of sympathy and associated effort the different portions of the Anglo-Saxon race. With Lord Beaconsfield, who was everywhere a conspirator, conspiracy has passed away. In Mr. Gladstone's Cabinet there is no member of the Southern Club. Mr. Gladstone himself has been the object of groundless suspicion in the United States, on account of an unfortunate expression which he let slip at the time of the civil war, though the despair of Northern success which his phrase implied was really shared, after Chancellorsville, by the most devoted among the English friends of the North. But I speak with the utmost confidence in saying that, neither at that nor at any other time, has his feeling toward the American Republic been otherwise than entirely kind; nor has he ever shown the slightest sympathy with any scheme for creating political antagonisms on this continent, or in any way interfering with its political development. A man of thoroughly popular fiber and hated above all other public men in England by the Tory aristocracy, he is not likely to make his policy in any quarter subservient to the interests of that order. Irrespective of his personal position, he knows too well the real conditions of English greatness. With the charge of anti-American feeling against Mr. Gladstone has generally been coupled an assertion that his rival showed sympathy with the Union at the time of the civil war. If he did, the fact was wholly unknown to those Englishmen who were in the thick of the struggle, and anxiously watched the manifestations of opinion in every quarter. The im-

mediate associates of the Tory leader, and the men most in his confidence, sympathized ardently with the rebellion, and abetted the Alabama. That he avoided personally committing himself till after the event is very likely ; but it may be safely said that his sympathy with the Union was not betrayed before Appomattox. A passage has been cited from the Mason papers which indicates that in private he, on this as on all other occasions, identified himself with the policy of the French Emperor, who, as we know, sought to draw England into a joint interposition in favor of the South.

It would be idle to deny the existence of anti-American feeling in British Canada. I have pointed out its sources—the chief of which, United Empire Loyalism, is entirely natural and respectable, but is not likely to be permanent. In French Canada the priests are afraid of republican freedom of thought and of American common schools : the people migrate freely into the United States in quest of employment, and probably have no strong sentiment at all upon these subjects. There are those who try to cultivate the feeling in different interests, chiefly in that of the Imperialist party. There are those who pride themselves on displaying it ; the affectation of peculiarities, even of peculiar antipathies, being a not uncommon indulgence of *amour propre*. But probably Sir Francis Hincks is at the point of view from which the extent and intensity of the antagonism appear greatest. This I will venture to affirm : setting any question of political relations aside, if a proposal with regard to commercial relations, really conducive to the welfare of the Canadian people, is fairly set before them, there is nothing in the hearts of the great mass of them to prevent their giving it their cordial consideration. They are content to be bound to the mother-country by affection without the sacrifice of their material welfare. Jingo politicians and their organs will of course try to interpose, but the economical forces will in the end prevail.

Signs of an impending fiscal war between the two countries are already beginning to appear. The Canadian Legislature excludes American cattle, and lays a retaliatory tax on lobster-cans, to which members of the American Legislature respond by motions to stop the transmission of Canadian goods in bond. That each nation may do a great deal of mischief in this way to the other, and at the same time to itself, may be taken for granted, without incurring the cost of the experiment. Presently the firebrand of the fishery question will be kindled again, if it can be said ever to have been extin-

guished ; and, with the temper of both nations already ruffled by disputes about the tariffs, a serious controversy may arise.

There may be a punctilious feeling of unwillingness to take the initiative, especially when a somewhat menacing attitude has been assumed upon both sides. But surely there can be no doubt that, while the smaller and weaker nation may compromise its dignity by advances, such a step on the part of the greater and stronger nation is liable to no misconstruction. It has been proposed that a joint commission shall be appointed by the two Governments, with the consent, of course, of Great Britain on the side of Canada, for the purpose of considering all questions connected with commercial relations. No motion could be more powerfully seconded by the manifest interest of the parties concerned.

We are dealing with the commercial question and with that alone. } But surely no American statesman can be blind to the expediency of preventing, if possible, the growth of a sentiment of antagonism to the United States in this large section of the continent. } Slavery has been put down, but troubles are not yet over ; elements of disturbance have not ceased to exist, forces adverse to the Union or to republican institutions may be developed within this vast area by diversity of interests or of social tendencies. Canada can not be formidable as a military power to a nation with ten times her population, but she might be formidable as a rallying-point of disaffection.

GOLDWIN SMITH.

THE EXODUS OF ISRAEL.

MODERN scholarship is learning more and more the lesson of respect for the narrative of the Pentateuch. The contrast between the flippancy of Von Bohlen and his contemporaries and the considerate deference of Lepsius, Brugsch, Birch, and Poole is instructive. The latter writers, as Mr. Poole himself remarks, "treat its text as an authority to be cited side by side with the Egyptian monuments." One result, already reached, has been to assert the substantial contemporaneousness of the narrative of the Exodus with the transaction. The same distinguished Egyptologist, R. S. Poole, has recently declared to the world that "the German and Dutch critics" who "have labored with extraordinary acuteness and skill upon the Mosaic documents alone," and the result of whose labors "has been to reduce the date of the documents, except a few fragments, by many centuries," must now retract their position and recede from their dates, in the presence of the monuments. "The Egyptian documents," he proceeds, "emphatically call for a reconsideration of the whole question of the date of the Pentateuch. It is now certain that the narrative of the history of Joseph and the sojourn and Exodus of the Israelites—that is to say, the portion from Genesis xxxix to Exodus xv—so far as it relates to Egypt, is substantially not much later than B. C. 1300;* in other words, was written while the memory of the events was fresh. The minute accuracy of the text is inconsistent with any later date. It is not merely that it shows knowledge of Egypt, but knowledge of Egypt under the Ramessides and yet earlier." He proceeds to set forth these striking coincidences in detail, and adds, "They have not failed to strike those foreign Egyptologists who have no theological bias," and "it is impossible that they [the Egyptologists] can,

* Not far from the date assigned by him and many Egyptologists for the Exodus.

for instance, hold Kuenen's theory of the date of the Pentateuch, so far as the part relating to Egypt is concerned." He also remarks, for reasons indicated by him, that "no one can doubt that the first four books of Moses are substantially of the same age" ("Contemporary Review," March, 1879, pp. 757-759). It is refreshing to see the archæologists at length firmly taking their stand against the mere literary critics—the men of facts against the men of extravagant speculation. It is a result which some have foreseen.

This extending conviction, not only of the trustworthiness of the narrative, but of its proximity to the events, gives new interest to the examination. The last half-century of research in Egypt and Arabia has done much for the collateral elucidation of the narrative.

Aside from any miraculous aspects of the case, the Exodus must be recognized as one of the most extraordinary achievements in history; and the man who could guide it to a prosperous issue must have been second to no man in the catalogue of great names. It is, indeed, difficult to name a successful enterprise which can bear a moment's comparison in magnitude and difficulty with the taking up of a whole people, men, women, and children, and all their portable effects, removing the great heterogeneous company in the face of a mighty, warlike nation, carrying them through a vast desert scantily supplied with water and destitute of the accumulated products of the soil, occupied only by hostile tribes, and then planting them so effectually in their new home as to make of them a nation of wealth and power, and of unity unparalleled. The immigration of four hundred thousand Tartars in a single night from the confines of Russia into their own native deserts, sometimes cited in illustration, bears but the remotest resemblance to it. The tourist who travels over the region, attended by a dozen Arabs and as many camels, to carry and care for him on the way, will ordinarily be not the least ready to believe that no natural force or genius was adequate, except as reënforced by some such agencies as are recorded in the Hebrew history. The narrative, however, records the most complete preparation that the case admitted: a leader who had himself twice passed over the region, and was now intrusted with absolute authority; long expectation, and seasonable notice at last; a definite time and place of rendezvous; an organized arrangement—for they went up "harnessed," or rather, in orderly array; a method of march and encampment as thorough as that of the best modern army, with many sanitary provisions; proposals to a resi-

dent of the wilderness to be "instead of eyes" (Num. x, 31), and negotiations, however unsuccessful, with the tribes on the way.

The substantial fact of the expedition is no more to be questioned than the Norman Conquest.* Never was an event so vitally incorporated with a nation's history, observances, and literature, in every form, as was the Egyptian residence and rescue with those of Israel. It is, however, a matter of some curiosity to see how far it was known to other nations. We trace the knowledge through Roman, Greek, and Egyptian sources. All these several statements, while mixed with various and obvious absurdities, agree in certain fundamental facts, and all repeat certain ignominious reports concerning the Hebrews, whereby the baffled and defeated nation endeavored to cover its own shame and disaster. These confused accounts have at length been made intelligible by modern discoveries.

The truth-loving Tacitus shows (History, v, 1-8) how carefully he had inquired, and how considerable was the number of sources accessible to him, all tinged with the hostile spirit. After enumerating five differing accounts of the Jews, three of them asserting their migration from Egypt or Ethiopia, he gives the statement of "most authors," namely, that the Israelites were expelled from Egypt on occasion of a contagion in the land, as a race hateful to the gods; that, in the desert and at a time of despair, Moses assumed the command, persuading them to obey a "celestial leader"; that they were brought to the verge of destruction for want of water, but relieved by an abundant supply to which they were guided by a herd of wild asses; and that on the seventh day they entered Judea, drove out the inhabitants, and took possession. He adds that the Jews worship in their innermost shrine the image of the animal that saved them from perishing by thirst,† and that they abstained from the flesh of the swine, as the hated cause of their own foul disease (scabies). He gives other circumstances, containing a curious mixture of fact and error, characterizing their institutions, traits, and history, on the whole, remarkably well from the hostile standpoint. He could not understand their worship, and was in part misinformed about it. We get briefly from Diodorus

* Both Ewald and Bunsen insist also that the numbers given in the narrative are unquestionably historical.

† The reader is reminded of the figure, found in a room on the Palatine, representing a man with an ass's head upon the cross, and the inscription, "Anaxamenos worships God."

Siculus, a century earlier, the Greek account (xxxiv, 1): That the friends of Antiochus Epiphanes advised him while besieging Jerusalem to storm and destroy it, informing him that the ancestors of the Jews were banished from the whole land of Egypt as impious and hateful to the gods.

The Egyptian traditions are still more remarkable, both because of what they admit and what they would conceal. They have been further confused by passing down to us through a Jewish channel, and, by the mistake (not unnatural) whereby the Hyksos, or Shepherd race of usurpers, an Asiatic horde, were more or less blended in the story with the Hebrews. No certain allusion to the Jews is found on the monuments. The threefold mention of the "Aperu" or "Aperiu" was thought a few years since by Chabas and most Egyptologists to designate the Hebrews. But Brugsch firmly disputes it; and Birch, who seems once to have accepted it (Bunsen's "Egypt," vol. v), now doubts it without absolutely denying. No use, therefore, can be made of it unless further light is gained. But it is noteworthy that these Aperu were employed in carrying stones for the fortress of Rameses II. There certainly was no reason to expect that a race of slaves would figure, except accidentally, on monuments that were but commemorations of the glory of Egyptian monarchs; and still less probability that a great empire, which was terribly defeated and humbled by that enslaved race in throwing off the yoke, would anywhere place deliberately on record any allusion to its own disgrace. But the facts were not lost from the memory of Egypt, and have come down to us, preserved in part by Josephus in his quotations from Manetho, Chæremon, Apion, and Lysimachus. Of these, Manetho was an Egyptian priest of the third century before Christ; Chæremon, also an Egyptian priest of Alexandria, somewhat later; Apion still later, although in the first century before Christ, a Libyan by birth and an Alexandrian by citizenship, and a careless and reckless writer; while Lysimachus is otherwise unknown. These writers all repeat the charge of the leprous or diseased condition of the Jews, name Moses as their leader, and give numbers ranging from 110,000 to 280,000, apparently warriors. Three of them assert that the Israelites were expelled by order of the gods and to avert their displeasure. Lysimachus speaks of their being commanded by Moses to overthrow the temples and images of the gods, and of a destitution of the fruits of the land caused by their presence. He mentions the drowning in the sea, but fastens it on the wrong party, the "lepers"; also the exposure

to destruction in the desert ; their "kindling fires and lamps" by night ; keeping a fast, and committing themselves to Moses, by whom they were led "through the desert" to Judea. Manetho and Chæremon make a still more remarkable admission of the calamitous state to which Egypt and its monarch were reduced. Chæremon relates that the diseased people, numbering 280,000, headed by Moses and Joseph, a sacred scribe, proceeded against the monarch of Egypt ("Amenophis") ; that the King could not sustain the attack, but fled to Ethiopia, leaving his wife concealed in a cavern ; that he remained there until his son Rameses (so Bekker's text), born in the cavern, grew to manhood, chased the Jews to Syria, and then brought back his father from Ethiopia. Manetho tells the same story still more in detail. Clearing it of its confusion with the Shepherds, we are told that the King (Amenophis), having been warned by the gods to clear the country of lepers, sent eighty thousand lepers and diseased persons to the quarries ; that the prophet who gave the warning, fearing the anger of the gods should violence appear to have been done them, and foreseeing that they and their allies would conquer and hold Egypt thirteen years, committed suicide, leaving a letter to the King, containing the warning ; that the King, alarmed, granted them permission to go to the city Avaris ; that they allied themselves to the people of Jerusalem and made a revolt, headed by Osarsiph, who changed his name to Moses, and made laws for the overthrow of the gods and destruction of the sacred animals ; that the King, greatly alarmed by the warning of the dead prophet, committed his son, five years old, to the care of a friend, charged the priests to hide the sacred animals, and, with 300,000 of his best warriors, advanced to meet the common enemy, but, fearing he should be fighting against the gods, retreated without a battle, and marched his whole army into Ethiopia, to remain for the fated thirteen years ; that the rebels, left in possession of Egypt, committed all manner of outrages, setting the villages on fire, and particularly venting their fury on the gods, sacred animals, and priests, the latter being themselves compelled to destroy the sacred animals, and being then ejected from the country naked. Afterward the King returned from Ethiopia with a great army, and, being joined by his son with another army, conquered the rebels and pursued them to the borders of Syria.

These narratives possess no little interest. The disparagement, amounting to caricature, with which they are charged, betrays the hostile source, and stands guarantee for all the admissions. And

they contain to a surprising extent the substance of the Scripture narrative, with only so much of Egyptian coloring and disguise as might be expected: the conflict of the two races, the central feature of which was a religious struggle; the prophetic announcement of coming calamity; the working upon the monarch's fears; the divine command to send the Hebrews out of the country; the non-compliance, oppression, and subsequent partial yielding on the part of the monarch; the complete discomfiture of the flower of the Egyptian troops; the demoralization and devastation of the land and destruction of its products; the transaction at the sea; the final departure of the Hebrews under Moses their leader and law-giver; their distress in the desert, and final safe arrival and prosperity in Palestine. All these circumstances form the complete outline of what the Hebrew Scriptures narrate in full and consistent detail.

We not only find this transaction imbedded in the traditions of Egypt, but we can now approximately connect it with its monumental history, as well as with the geography of Egypt and a part of Arabia. Scholars have reached a general consent, although, of course, not without individual dissent. There will always be the advocates of pet theories, and general objectors. One writer mysteriously talks of finding a "truer Sinai, which will leave Jebel Musa quite aside," and Dr. Beke, perhaps, sets out to find it. Or some dashing speculator makes a sensation by finding a line of march in direct conflict with the narrative which furnishes the facts, and which he professes to explain.

Modern scholarship is generally agreed in assigning the period of the descent into Egypt to the time of the Shepherd kings, a set of foreign invaders. (The "Speaker's Commentary" is one of the few respectable authorities that place it earlier.) This supposition explains many circumstances, e. g., the admission of Joseph, a foreigner, to power, the subsequent withdrawal of favor from the nation (when the Shepherd kings were expelled), and the fears expressed that the Hebrews might join the enemies of Egypt.

There is a growing agreement on the part of expositors of the Old Testament to adhere to the reiterated statement of the Hebrew text, making the sojourn in Egypt four hundred or (exactly) four hundred and thirty years, and to reject the Septuagint emendation, "in Egypt and the land of Canaan" (Ex. xii, 40). This accords with the ten (or eleven) generations which are given (1 Chron. vii, 22-27) as the number from Ephraim to Joshua. It corresponds much more

easily to the alleged increase in Egypt. The difficulties (for there are difficulties) admit of explanation. This interval is also thought to be confirmed by an inscription found at San by Mariette Bey, making the interval from Rameses II, back to a certain Shepherd King, Set, four hundred years.

The monarch of the Exodus can be determined only by circumstantial evidence. The earliest synchronism definitely indicated in the Scriptures is that of Shishak (Sheshonk) with the fifth year of Rehoboam (2 Chron. xii, 2). Canon Cook, of the "Speaker's Commentary," stands now almost alone in fixing on Thotmes II, of the eighteenth dynasty, for the monarch of the Exodus, encountering difficulties wellnigh insuperable. Mr. Sharpe ("History of Egypt") and Mr. William Palmer ("Egyptian Chronicles") designate Amunoph II (or Amenhoteph) of the same dynasty. A late writer in the "Edinburgh Review" (July, 1879) argues ably for Amunoph III, two reigns later. This argument is mainly chronological, thus: It is stated (1 Kings vi, 1) that the building of the temple began "in the four hundred and eightieth year after the children of Israel came out of Egypt." Referring this starting-point, not to the actual Exodus, but (arbitrarily) to the final "rest" or settlement in Canaan (Joshua xxi, 14) which was *fifty-five years after* the Exodus, and adding forty-one years to come down from the foundation of the temple to the fifth of Rehoboam, we get an interval of five hundred and seventy-five years between the two points. But the Egyptian regnal years (as reckoned by Brugsch) would give five hundred and seventy-five years for the interval between the fourteenth of Shishak and the fifth of Amunoph. The strong point of this view is its seeming near coincidence in time, requiring an arbitrary extension of only half a century. One weak point of the theory is the doubt whether the number four hundred and eighty is genuine. Positive and grave objections are found in the facts that no "Rameses" from whom to name the stronghold (Ex. i, 11) had yet occupied the throne, and that Amunoph himself not only reigned some thirty years after this supposed time of the Exodus, but *in entire prosperity*, a great builder of palaces and temples, and a worker of the Sinaitic mines in his thirty-fifth and thirty-sixth years. These considerations break the force of the uncertain synchronism. Some of the alleged corroborative circumstances carry little or no weight. Thus the brick-making scene of tomb No. 35 is not now understood to refer definitely to the Hebrews, while the Edinburgh Reviewer's attempt to make "Pharaoh's

daughter" the famous Hatasont or Hasheps is futile by his own showing even ; for, if, as he remarks, her *brother* Thotmes II (with whom she reigned) died the year before the birth of Moses, she would then have been "the Queen" (as she appears on her obelisks) ; or, if Thotmes were alive, she was the King's *sister*, not "daughter."

The period now commonly assigned to the Exodus is the reign of Menephta, son of Rameses II. The father, Rameses (the great "Sesostris"), would thus have been on the throne at Moses's birth, and in his long reign of sixty-six years would have been the great oppressor. His policy and scepter passing into the hands of his feebler son, brought on the crisis and the deliverance. This is the view of Rougé, Mariette, Lenormant, Maspero, Ebers, Brugsch, Bunsen, Birch, and Poole. The name of the stronghold, "Ramses," points at once to a monarch of that name ; and there is nothing to connect the only previous monarch of that name, Rameses I (the grandfather of Rameses II), obscure and short-lived, with the enterprise. But the long reign of Rameses II, his boastful spirit, his foreign wars, his vast public works, including numerous temples, the canal, and a line of fortresses on his eastern frontier (a circumstance which coincides with the fears expressed in Exodus i, 10), and the air of oppression which the monuments ascribe to his reign, all furnish a strong basis for the theory. No name is so boastfully and ubiquitously spread over the buildings of Egypt as that of Rameses II. Of his son Menephta's reign, the notices are exceedingly slight. No monumental record of his bears date later than his second year, although a tablet describing a victory over the Libyans is referred to his eighth year, soon after which the Exodus is supposed to have taken place. The lists ascribe to him a reign of twenty years, and he has a tomb at Thebes, but it is unfinished, and there is no trace of him on the monuments for the last thirteen years of his reign.* Now, Josephus, in his narrative (from Manetho) of the conflict with "the lepers," cites the monarch's name (though endeavoring to discredit it) as Amenophis, his father's name Rhampses, and his son's name Sethos. This corresponds with the order, Rameses II, Menephta, Seti II, given in Egyptian lists. The San inscription, which gives the interval between Set and Rameses II, furnishes a general correspondence of time. And Lepsius has made

* The narrative in Exodus nowhere states that Pharaoh himself was drowned in the Red Sea, but speaks of his host, chariots, and captains. And, though Psalm cxxxvi, 15, has been understood as making the statement, it can be understood otherwise.

an important suggestion, that the canal from the Nile to the Crocodile Lake, which did not exist prior to Rameses II, appears to be, with its water-supply, an essential condition of the Hebrews' march out of Egypt. Coincident with all these circumstances is the fact that the Egyptian mines in the Sinaitic Peninsula appear to have been abandoned between Amunoph III (or Rameses II, according to Ebers) and Setnecht, the fourth in succession from Menephta.

It is to be remarked, however, that the dates, as hitherto adjusted, do not correspond. Lepsius would assign the Exodus in Menephta's time to the year B. C. 1314, Bunsen to 1320. But the common reckoning, founded on 1 Kings vi, 1, would place it in 1491 B. C., one hundred and seventy-seven years earlier than the time assigned by Lepsius. The chronology may be left for further investigation. It presents intrinsic difficulties. Neither the sum total, as reckoned from the book of Judges, nor the number given by Josephus, corresponds to the four hundred and eighty years. They both exceed it. The number has been and is questioned for various reasons. Bunsen ("Bibelwerk, Einleitung," pp. ccxxiv, *et seq.*) claims that the numbers of the book of Judges are partly contemporaneous, and professes himself able by this and other considerations to show that the time from the Exodus to the temple was but three hundred and sixteen and not four hundred and eighty years ("Egypt's Place," v, p. 74). Chabas, on the other hand (but not Ebers), would admit the possibility of an error of two hundred years in the dates of the nineteenth Egyptian dynasty. We can not here discuss the question of the chronology, but only indicate it as one that calls for further light.

In the time of Menephta Egypt was a mighty empire of ancient civilization. Most of her huge edifices, including nearly all the vast structures of Thebes, were in existence. The complication of her social life, even to the elaborate *cuisine*, may be read in the tombs of the kings and men of wealth. The skill of her jewelers in the eighteenth dynasty may be admired in the museum at Boulak. The processes of her goldsmiths in the twelfth dynasty are seen delineated at Beni-Hassan. The temper of her cutting tools may be witnessed in the multitudinous and deep inscriptions on her granite obelisks. The greatness of her revenues is exhibited in the records of Thotmes III. Her military resources in the time of Menephta's father are boastfully set forth in the poem of the Pentaur.

The general locality of Goshen is well settled; it was the east

ern or northeastern part of Egypt. The first syllable of the name is supposed to survive in the last syllable of the village of *Fakoos*; and the "Zoan" of the Scriptures was the Tanis of later times and the modern *San*. Goshen unquestionably included Wady Tumulat, the valley of the modern canal and railway, a narrow, fertile strip that shoots east from the Nile, tapers to a point, and fades out near the Crocodile Lake. Along this valley ran the ancient canal of the time of the Exodus, though not then, as afterward, extended to the Red Sea. In this valley, some sixteen miles west of the lake, at the mound Abu Keskeb, most modern scholars have found the Rameses which was the starting-point of the Israelitish host. Situated on the canal, well toward the eastern border of the land, it was a natural rendezvous. Herr Brugsch's departure from his own former view, and attempt to locate Rameses at San, is not necessitated by any discovery he has made,* while it greatly increases the difficulties. The general line of march is clearly indicated through Succoth to Etham "on the edge of the wilderness" that lies east of Egypt, then by a "turn" to the Red Sea by a route probably not far from the line of the present railway from Ismailia to Suez.

Much has been heard since 1874 of Herr Brugsch's theory of a northeasterly journey, not through the Red Sea, but along the Serbonian Bog. The theory had been advanced by Hermann von der Hardt (1726), and was advocated at large by Schleiden many years ago. Brugsch has brought to it the luster of his name and the ingenuity of his learning. But he appears not to have carried with him either the leading German or English Egyptologists. The objections seem insuperable, while the arguments are specious rather than satisfactory, belonging to that species of literary leger-

* Brugsch distinctly admits that the modern San was denominated in the inscriptions Zar, Zal, and (if we understand him) Zo'an, corresponding to the Scripture "Zoan." But he also finds another name, Pi-Rameses, "city of Rameses," for the same place, or rather for "a distinct quarter of the city," constructed by Rameses II. (See Brugsch's "*La Sortie des Hébreux*," p. 18.) Now, to say nothing of the *non sequitur* of insisting that the whole of the ancient city (older than the time of Abraham, Numbers xiii, 22) was now denominated by the name of this new "quarter," the identification which supposes two Scripture names, each of which occurs four or five times—*once each in the same book* of Numbers—without a hint of their identity, to designate one and the same place, introduces a confusion into the Scripture narrative not easily to be paralleled. It should be added that Rameses II was in the habit of inscribing his name everywhere. Says Mariette Bey, "It is impossible, so to speak, to find a ruin in Egypt, or an ancient object, without reading his name there."

demain wherewith a scholar at home in a given field can frame a plausible argument in any direction. A fundamental objection to his theory is the fact that the *Yam Suph* of the Hebrew, which he would transmute into the Serbonian Bog, was definitely settled by a body of Jewish scholars at Alexandria, who wrote in Greek when the Egyptian was a living tongue, and who in the Septuagint, finished two hundred years B. C., distinctly give it as the Red Sea. And the phrase occurs not alone, as Schleiden intimates, in the Jehovistic, but in the Elohist portion of the Pentateuch. The attempt of any modern scholar to unsettle, by his derivations and speculations, such a weight of *testimony*, is more daring than hopeful. Mr. Birch ("History of Egypt," p. 141) speaks of "the difficulty of allowing the coincidence of some of the Hebrew and Egyptian names" as laid down by Brugsch; and Mr. Poole ("Contemporary Review," March, 1879) demurs, on linguistic grounds, to the attempt to make Succoth from *Thokot*, and Etham from *Khetam*; while, moreover, Succoth is a good Hebrew word for "tents" or booths. We may mention also the extreme improbability of being able to trace after this vast interval a name (Succoth) attached to no natural object, but designating a camping-ground, or of now identifying a locality, like Etham, "in the edge of the wilderness," which could have had no intrinsic importance to transmit its name and location. This also is a sufficient answer to those who expect us to find still existing the names for these and many other of the places in the Hebrew itinerary. The expectation is unreasonable. The "Edinburgh Review," already referred to, endeavors with no little force to show that much of Brugsch's route is a recent formation or deposit of the Nile; and, with still more force, that the distances are wholly incompatible with the narrative—distances that "would have tried the endurance of a picked German army to cover in the time. In the first three days eighty geographical miles, and in the second three (or at most four) days an equal distance, are supposed to have been covered by the fugitives," consisting of men, women, children, and flocks, heavily burdened. Another instance of the confusion of his theory is found in the fact that while the Scripture speaks of Baal Zephon, which is "before (in front of) Pihahiroth," Brugsch finds the former (says this writer) in "a great newly-formed sand-dune twenty-five [geographical] miles" away. Other grave objections might be mentioned, but these are surely enough.

The alternative choice is the southern march toward the Gulf of Suez. Here, some writers (M. Ritt, M. de Lesseps, and others) have

endeavored to find a crossing of the marshes or by some narrow track (such as the heights of Serapeum or of Chaloo), assuming that the Red Sea then extended as far as the Bitter Lakes, if not to the Crocodile Lake. But, while it is not improbable that the drifting in of the sand may have somewhat lessened the northern extent of the sea or gulf, the notion that the gulf extended even to the Bitter Lakes during the present geologic period, or certainly during historic times, may be dismissed for two valid reasons : first, because the heights between are a tertiary formation ; second, because the ancient canal, still to be traced not far north of the Gulf of Suez, was constructed there as early as the time of Darius—a proof that there then existed no *natural* connection between the Red Sea and the Bitter Lakes.* We can dismiss all theories of a crossing much north of the vicinity of Suez.

But just south of Suez are found all the requisites of the Scripture narrative—"entangling land" and a wilderness to "shut them in," a place of encampment "by the sea," wind, high and low water, a possible passage, a practicable distance, and a natural connection with the subsequent journey. The landmarks are here, and apparently one of the names, "Hahiroth," in *Ajrood*, and the traditional name of "Moses's Wells" on the opposite shore. That the names should not be universally or generally traceable through the journey, except in some frequented watering-place like these, is perfectly natural in a region where there has never been a settled population. Names perish, though landmarks remain.

At the northwestern side of the Gulf of Suez lies a plain ten miles long and nearly as broad. Accepting *Ajrood* at its northern extremity for Hahiroth (Pi-hahiroth, with the Egyptian article prefixed), where the name is handed down in connection with the deep well which made it a place of resort, "Migdol" may have been at Bir Suweis, two miles north of Suez, where are two wells of brackish water and a stone building of the seventeenth century, in a region where Seti I is shown by Chabas to have visited "Maktal" built over a well ; and "Baal Zephon" may well have been the high and precipitous mountain Jebel Atakah, the chief object in full view of *Ajrood*, shutting down sharply to the western shore some distance southwest of Suez, and sweeping off indefinitely westward. Here they were absolutely shut in by Jebel Atakah in front, and the sea on the east, extending two miles or more north of Suez and termi-

* The detailed proof of this and some other points can not be given here, but may be found in the author's "From Egypt to Sinai."

nating in a marshy region, and with the enemy in the rear. The Gulf of Suez is, for variableness of depth, a singular body of water. In a line running southeast from the town, directly toward "the wells of Moses," is a comparatively shallow region where at low tide the Arabs have always, prior to the dredging of a channel for the ship-canal, been in the habit of fording the gulf, and where they now pass, after crossing the dredged channel with a boat. This passage is now a little less than three miles in length, with much deeper water on each side. When a northeasterly wind concurs with low tide on the one hand, or a strong southerly wind with high tide on the other, the difference in depth, as shown by the Maritime Canal Company's chart, amounts to ten feet and seven inches. The Scripture narrative distinctly introduces the wind, which blew "all that night and made the sea dry" (Ex. xiv, 21), and again says in the sequel (xv, 10), "Thou didst blow with thy wind, the sea covered them."* The distance across and the time assigned, as shown by Dr. Robinson in detail, would correspond with what was practicable for such a host. "The waters were a wall unto them on their right hand and on their left," that is, completely protected their flanks from attack. With the morning light came the returning tide and changing wind, and the fate which Napoleon narrowly escaped at another ford two miles north befell the Egyptian army.

When fairly across, the Israelites were but three or four miles from Moses's Wells; indeed, their front ranks would be wellnigh there. Another point on the march is ascertainable beyond reasonable doubt, namely, the "encampment by the sea." And the way to this spot is unmistakable, shut in on the west by the sea, and on the east by the impassable Et-Tih mountain-range. The intermediate points, before reaching the encampment by the sea, are not difficult to determine by the distances and other circumstances. Elim is found at Wady Gharandel, with its somewhat copious water-supply, still oozing forth from several springs, and its palm-trees, living and dead, not quite so numerous as then—"threescore and ten." Marah is not quite so clearly at Hawwarah. The route from the sea to Sinai is, in its main features, not difficult to determine.

* It has sometimes been objected as an inconsistency to recognize the introduction of a natural cause here. But the inconsistency would be in not recognizing a fact explicitly asserted in the narrative itself. The prevalent winds are north or northwest winds, but "the most terrible," says M. Mauriac, the engineer of the Canal Company, are "those from the southwest," which would accompany the returning tide.

Unless they retraced their steps from the sea, which is not to be unnecessarily assumed, their journey would lie over the plain of El Murkha along the coast, a plain which would correspond to the Desert of Sin, and, by reason of the oppressiveness of a spot where my thermometer on the 11th of February, 1874, rose to 96° at noon (though but 44° by the sea in the morning), would explain the first "murmuring" of Israel. A part of the host may have struck diagonally across the plain into Wady Shellal, and so past Wady Maghara—then probably deserted by the Egyptians—through Mukatteb to Wady Feiran. But the more encumbered portion and their "wagons" would have gone along the seacoast (a weary journey) to the mouth of Wady Feiran, a valley ranging in width from half a mile to two miles or more, and inclosed by high, precipitous walls. By the route thus indicated, a carriage can be driven all the way from the Wells of Moses by way of Wadys Feiran and es Sheikh to Mount Sinai.* Feiran preserves the ancient name (transferred) of the northern desert of Paran or Pharan. They would hardly fail to make a camping-ground at the great oasis of Feiran, where a fine brook flows along, and a palm-grove, two miles long, is succeeded by a grove of tamarisks, and where the Bedouins still raise wheat-crops, and gather dates and gum-arabic. Just before arriving there is a natural location for "Rephidim" and the struggle with Amalek, after a journey (from the encampment by the sea) singularly destitute of water-supplies, and therefore attended with distress. Serbal, just south, has been held by some for Sinai. But no one who has made the exceedingly difficult and toilsome ascent (as did the present writer), and has noted the entire absence of either camping or standing ground for a great company in any such proximity to the mountain as the narrative requires, will for a moment accept the claims as compared with those of the commonly received Sinai, namely, Gebel Musa, or rather its northern peak, Ras Sufsafeh. This lies some thirty miles (by a winding way) south-east, and meets all the conditions of the law-giving and the sojourn of some months: the great plain on which two million people could stand, and see the top of the mountain that rises sharply from the

* Wellsted comments admirably on the correspondence in the time of march; fifteen hours is the distance to Hawwarah, on which they spent three days. "If they marched five hours on each of the three days, traveling with their baggage and effects that would be as much as we could expect. . . . From Ras Selima [the encampment by the sea] to Mount Sinai are expressly made five more stations. We used twenty-five hours, which gives for the Israelites, again, five days' marches of five hours each."

southeastern terminus of the plain ; large adjacent valleys ; several little streams and fountains ; more or less pasturage on the hill-tops and in the valleys ; a soil in many spots capable of cultivation, and still producing large growths of various kinds of trees.

It is important to add that along many of the valleys of the Sinaitic Peninsula, notwithstanding the reckless havoc long made and still making annually by the Bedouins for charcoal, a very considerable number of trees are to be seen. The most abundant are the acacia, or "shittim-wood" of the Pentateuch. In some valleys (such as Wadys Gineh, or Igneh, and Sa'al) I counted several hundred in a grove, some of them large enough to furnish the planks of the tabernacle—"ten cubits" in length and "a cubit and a half" in breadth (Ex. xxvi, 16). The mines and remains of ash-heaps, in some places now wholly bare, indicate a much greater growth in former times. It may be added that in this region the writer and his company passed by or through valleys where, as we judged upon the spot, large numbers of cattle could have found pasturage when the vegetation, then (in February) just springing above the surface, should have grown ; and in some instances we saw flocks of sheep and goats busily nibbling high up among the rocks, where from below we had no suspicion of any vegetation. Besides such occasional flocks, and the camels of the Arabs, and asses at Feiran and Sinai, we also encountered (though the time of year was against us) the ibex, jerboa, hare, lizard (of large size), pigeon, raven, hawk, and small birds of various kinds, besides tracks of other animals, and at Arbain, near Sinai, the skin of a leopard recently killed.

Beyond Sinai the route of the Israelites is difficult to trace, for want of absolutely certain landmarks in the narrative. Whether Hudherah represents Hazeroth is questioned, and that the stone circles of Erweis el Ebeirig, discovered by Palmer (and visited by the writer), are to be connected with Kibroth Hattaavah, "the graves of lust," is thus far a doubtful speculation. Yet there is nothing incredible in the supposition of finding remains of the Hebrews, inasmuch as there are certainly in the peninsula much older remains of the Egyptians, including the name of the greatest pyramid-builder, at Maghara, together with trinkets and fragments of vessels found around the Egyptian temple at Surabit el Khadim. The characteristic Hebrew abstinence from carvings and inscriptions is so far unfavorable to the expectation. Yet a great company of people, with all their portable effects, stationary at times for months, would in all probability have left some of those effects,

discoverable if we but knew where to look. But the sharp eyes of the Arabs have been for ages everywhere on the surface, and the region around Sinai, the most hopeful place, has been occupied by hermits and monks for fourteen hundred years or more. Any trace of Israel must be below the surface.

One who studies the map and traverses the region will naturally believe that from Sinai the route followed the great Wady Sa'al, and possibly the parallel Wady Biyar to the north, and emerged somewhere near the northern extremity of the Gulf of Akabah. Indeed, one encampment, before Kadesh, was at Ezion-gaber upon that gulf (Num. xxxiii, 36). This, however, appears to have been near the end of their wandering. They were at Kadesh also near the beginning of the forty years (Num. xiii, 36). For thirty-seven years we have no record of them except the table of their encampments in Numbers. This list may indicate rather the movements of the headquarters. We naturally suppose (with Fries, Kurtz, and Schultz) that the necessities of subsistence would lead to a dispersion of the host through the more fertile regions in the "wilderness of Paran," in the numerous valleys that admit of cultivation or afford pasturage, principally on its northern border, which still show multitudes of ancient ruins, more or less elaborate, the tokens of a former unknown occupancy. Two principal claims are made for the site of Kadesh, which was the place of repeated visits and of final departure: one by Dr. Robinson, at Ain el Weibeh, on the western edge of the Arabah, or Ghor, for which the definite and positive reasons are very slight; the other at Ain Gadiz, some forty or fifty miles farther west, to which the distance is thought to be an objection, but for which several positive reasons are offered. If this were accepted, the several stations across the desert to Kadesh would easily correspond to certain stations indicated in the Peutinger tables, or the ancient but much later Roman road from Akaba northwesterly into Wady Mayin, and thence northward by the modern route. It is "eleven days' journey from Horeb to Kadesh" (Deut. i, 2). If this be the actual Kadesh, it is easy to see the impracticability of the people's forcing their way, as they once attempted (Num. xiv, 44, 45), directly north into Palestine through a region of strongholds occupied by a warlike people;* and the

* Within a very limited area in the Negeb, or south country, and just north of the desert, there are still to be seen the ruins of five considerable towns: El Birein, El Abdeh, El Aujeh, Sebaita, and Ruhaibeh. Robinson conjectures the former population of Ruhaibeh alone at from twelve to fifteen thousand. All these lie within a

military wisdom of the final circuit whereby Joshua struck Palestine on its eastern border, suddenly planted himself in its center, and subdued it in detail.

The water-supply of this whole region, though scanty, is much more considerable than has usually been represented. In the Sinaitic Peninsula, Rev. F. W. Holland, who has traveled over it more than any other European, declares himself able to count twenty streams which are perennial, except in unusually dry seasons. The present writer and his company saw on their way nine running streams, larger or smaller, and seven other springs, besides moist places where water could have been found by digging, and they passed in the near vicinity of at least nine more places of water-supply. We saw also a natural reservoir in Wady Macheira, and a smaller one in Hebran. Burkhardt tells of several southeast of El Murkha, Schubert of one farther south, and Stephens of one near Wady Shellal. The immediate vicinity of Sinai is well supplied with streams, springs, and wells. The Desert of Et Tih, north of the Sinaitic Peninsula, is skirted by several springs on its southern and its northern edges, and at least six on its eastern border, while on or near the middle line are wells at Mabbuk, and in Wady Kubab (according to Rüppell), the two deep wells at Nukhl, the Bir el Achmar of Seetzen, Russegger's wells of Redschin, Bir Kureis, Bir Themed, a well in Wady Tamat, and the wells at Akaba, where also fresh water oozes from the banks of the sea at low tide. There are other more or less permanent water-supplies in the wadys, especially after rains—e. g., in Wadys Gudheirah, Garaiyeh, Layaneh, at Ras es Sat, and elsewhere. There were cisterns formerly at Wady Maghara (in the peninsula), and, as Brugsch thought, a great reservoir made by a dam across the deep valley. We saw a number of reservoirs thus formed in the south country, and water standing in pools in two wadys of the desert. In a passage in Numbers xxi, 18, we even read of the children of Israel digging a well.

The whole region in the peninsula and the desert north is sufficiently forlorn and forbidding, in parts "a great and terrible wilderness." After a journey through this region with various *détours*, undertaken with special reference to the conformity of the narration to the region, and on the constant lookout for water, pasturage,

space of about twelve miles by twenty, the southernmost being not much more than fifteen miles from the desert. Within that entire space there is perhaps not one permanent dwelling now.

and the means of subsistence, the writer found that conformity much more striking, even, than he had anticipated. He reached substantially the same conclusion with Wellsted, that with sufficient care there is "no reason why there should have been a lack of water," ordinarily—although at times great straits must occur—but that the grand and constant difficulty would have been to find a supply of food. This difficulty seems insuperable. One can not conceive how even the genius of Napoleon could have contrived under the circumstances to provide a year's subsistence for such a mixed multitude, had they been but a fifth of the estimated number. And the writer's conclusion was that, in this respect, quite as much as in any other, the narrative is singularly consistent, in indicating only occasionally a lack of water, and extraordinary supplies, but in asserting the continuance of a supernatural supply of food through almost the entire time and journey, namely, from the wilderness of Sin "till they came unto the borders of the land of Canaan."

S. C. BARTLETT.

THE ENGLISH HOUSE OF LORDS.

IN modern times all civilized communities have employed representative institutions as the ordinary machinery of legislation and finance, and all have adopted, with necessary modifications, the form of the English House of Commons. Most communities, too, have thought it expedient to commit legislation to the debate and decision of two Chambers ; while supply, i. e., the distribution of financial burdens, has been left to the discretion of one Chamber, and always to that Chamber which more directly represents the popular element in the machinery of government, in imitation of the British House of Commons. It is now known that this House, which has been justly named the Mother of Parliaments, came into existence in order that an equitable system of assessment should be established ; that it speedily assumed the function of criticising the demands which the Crown made on the subject ; that at an early date it made the grant of supply contingent on the redress of grievances ; and that, two centuries after it was called into being, it adopted the practice of drawing up its demands in the form of laws. But no one has discovered the period at which it arrogated the privilege of granting supplies, and affirmed that its grants only were exigible by the Crown. It is certain that at an early date the three estates, the Church, the Lords, and the Commons, taxed themselves. But we do not know what were the circumstances under which the Commons were allowed to tax the other two orders, or, at least in the case of the clergy, to make their grants invalid without the assent of the lower House.

But, though modern civilization has copied with greater or less exactness the constitution of the House of Commons, no political society has imitated the English House of Lords. An attempt was made to introduce an hereditary Chamber in some of the American colonies, but the purpose failed. Ready as communities of British

origin are to copy or preserve the institutions of the country from which they are sprung, none of them has been willing to allow that the eldest male representative of certain families shall, irrespectively of any qualification but that of birth, be possessed of the inalienable right of legislating for the rest of his fellow countrymen, or, in technical language, be legally entitled to a writ of summons to Parliament, and be legally competent, in conjunction with a majority of others in the same condition, to reject the financial measures of the lower Chamber, and to exercise a wholly irresponsible control over all other legislative acts. Before the fiction that the sovereign can do no wrong was firmly established, English kings were made liable to all the consequences of misgovernment. No nation in Europe has so frequently made war upon and deposed its kings as the English has. Long before the great civil war it got the name of the disloyal nation. Since the doctrine of ministerial responsibility has been established, the Crown has apparently been more secure. But the first two Georges were seriously endangered by external enemies, and during the long reign of George III there were occasions on which the Crown was alarmingly imperiled by domestic discontent. At the present moment no one knows what the temper of the English people is, or may be, toward the ruling dynasty. It may be fervid; but social observances prove nothing, and may mask what is wholly unexpected.

It is quite certain that the English House of Lords could never have ventured on using the privileges which it claims. By the theory of its constitution it can reject, at its discretion, any measure, however urgent, which the administration and the lower House, representing the popular will, may affirm, and do so persistently, in defiance of repeated acts of the other legislative body. It claims to be the court of appeal from all other courts in which civil rights are adjudged, and for a long time it actually revised legal decisions by party votes. Though the privilege has long been disused, it claims not only to be irresponsible, but to coerce criticism, and to chastise those who dispute its pretensions. Its members can evade the consequence of civil actions, and can demand to be tried by their own order, for the most part, if they become liable to criminal procedure. Since the Lords succeeded in securing that members of their own body should be arraigned before the whole of the Lords, only one peer has been capitally convicted; though it has been said that, had they not been triable by their own relations only, many more would have been put in peril. Till recently it was not neces-

sary that they should be present in Parliament in order to record their votes. By an abuse, the historical explanation of which is very obvious, they had the right of voting by proxy, and many important questions have been negatived or affirmed by the suffrages of absent peers. Now, it is plain that, though many of these privileges are dormant, the fact that they are not abrogated gives the English upper House an indefinite power of obstruction, which has not been unfrequently used actively, and which, by virtue of its existence, may be very deterrent, or at least restrictive of political change.

Like many other political organizations, the English House of Lords has claimed indefinite antiquity for its privileges. It has even published several bulky volumes, which contain much important antiquarian learning, great quantity of which is wholly irrelevant to the question at issue, on the dignity of a peer. Like other bodies, too, it has invented privileges, and has supported or insisted on them with more or less reason. Thus it has asserted that every peer whose patent of creation is incontestable, and whose peerage is represented in the lineal descendant of the ennobled ancestor, is entitled of right to a writ of summons, though such a right was not claimed before the accession of Charles I—indeed, could not have been safely claimed from a Tudor sovereign, and would not have been demanded from a Plantagenet. But such a claim, if an hereditary Legislature may exist at all, was necessary to the independence of the House, since otherwise the sovereign might have summoned none but the partisans of his own policy. It has affirmed, on more questionable grounds, that a single summons to Parliament, even without a patent of nobility, confers an hereditary peerage, the representation of which can be transmitted through females, and has thus revived a number of obsolete or dormant peerages. On still less grounds of right it has asserted that a peer can not relinquish his peerage by any act of his own, however formal, in its celebrated decision on the Purbeck peerage. And, lastly, it has claimed, as a right of indefinite antiquity, the most harmless or even useful of its privileges, that, namely, of a peer or peers recording his or their dissent from any act of legislation or of judicial procedure which may have been affirmed by a majority, and this with or without reasons for the dissent.

The House of Lords had its origin in the council of the Anglo-Norman sovereign. As the great Greek publicist, Aristotle, asserted that the senate was the essence of constitutional government, so the

Teutonic King was always assisted, and therefore controlled, by a council. From this council the English King obtained pecuniary aid in emergencies, in its presence and by its advice he administered justice, and with its consent, formal or informal, he enacted laws. In theory, it appears, every tenant who held of the Crown, at least by the duty of military service, however small his estate might be, had a right to be present at the great gathering of this assembly. That so unwieldy a body was ever actually summoned may well be doubted. From very early times it became the practice to invite only the principal tenants, the holders of considerable lordships, to these gatherings. It does not appear that they came willingly, for the summons generally suggested some sacrifice. In point of fact, the earliest and most significant sign of disaffection was neglect of the summons, or premature departure from the council. Hence, when Parliaments were established, attendance on the summons was enforced by fines, the amount of which was fixed by Parliament itself, and, during the Tudor dynasty, absentees were compelled to find proxies for their appearance or good behavior—these proxies, for caution's sake, being often numerous. In course of time, that which was intended as a guarantee was construed into a privilege, and the system of proxies became a gross abuse. But till 1625 the King never treated the attendance of a peer as a personal right. The list of no two sessions of the House of Lords is the same. Persons summoned to one Parliament are omitted in another, and for no apparent reason. It is probable that few great peers were uninvited. It is certain that the issue of writs to many persons was uncertain or capricious.

It is not easy to say when the Houses began to reciprocally criticise and recommend bills commenced in either House. It is only in the time of Edward IV, two centuries after Parliaments had become a regular part of the English Constitution, that the Commons changed the form of their measures from petitions to draft-bills. Before this time it seems that the sovereign promulgated laws, either without the action of Parliament, or gave force of law to petitions presented from either of the three estates. The principal laws of Edward I appear to have been enacted without any parliamentary sanction whatever. The famous statute of 2 Henry IV, cap. 14, under which the penalty of death by burning is denounced against obstinate heretics, was enacted, as the preamble informs us, at the instance and petition of the clergy, though it remained the law of the land up to the middle of Charles II's reign. It is during the time of the later

Plantagenets that the House of Commons gained the right, or fulfilled the duty, of originating money-bills. It is probable, nay almost certain, that this peculiarity in the action of the lower House was due to the fact that only that section of the nation which was represented in the lower House was liable to the charges which were imposed by these grants. It is not strange, when resistance to the royal demands became invidious or even dangerous, that the Lords, and ultimately the clergy, relinquished to the House of Commons that power on which the political influence of this House was based, and from which popular liberty has secured its permanence. By the beginning of the seventeenth century, the power of the purse was admittedly in the hands of the House of Commons, and this body resented with great energy any grant by the clergy to which the Commons had not consented. They not only claimed to be the interpreters of the King's necessities, but they permitted no other order to interpret them.

The House of Lords existed, but in a state of extreme decrepitude, from the accession of Edward IV to that of Charles I. Half the peerage, and that the wealthiest half, was exterminated before the Yorkist faction was triumphant. The revolt of the Nevilles was the ruin of the most powerful members of that faction, and the residue was impoverished by the success of Henry VII. It is not easy to conceive a more odious body than the Lords were during Henry VIII's reign, for this King employed them as the willing instruments of destroying the victims of his caprice; or a viler crew than they were in the reign of Edward VI, when the only men in the House who had a spark of integrity or manliness were the prelates; or a more contemptible Senate than they were in the reigns of Mary, Elizabeth, and James, for during this period of three quarters of a century not a single peer raised his voice in remonstrance against any grievance or any wrong. The faint sparks of public liberty were kept alive by the Commons only. It was at this time that England did its greatest service to human liberty, for the student of modern political forces will find that all that was worthy and hopeful in that dreary time which preceded the dawn of freedom was the work of some obscure men in the English Commons—men too, who, by that irony in which aristocratic institutions are so fertile, were the progenitors of the most dangerous enemies which liberty has had to encounter. Very often in England good men have made an honored name, and founded what is called a family. With very rare exceptions, the race has soon

become degraded. The best patriots of the Tudor and Stuart age begot descendants who were political reprobates. If any man cares to study the degeneracy of families, let him take the names of Wentworth, of Hyde, of Holles, of Hampden. Some of these families began with bad men, and rarely swerved from the tradition of their origin in their successors, as the Churchills and the Finches.

Nothing illustrates the political character of the English House of Lords in the early days of the Stuarts better than the character of those peers who took the side of the Long Parliament in the earlier period of its career. They were not a numerous body, and they were not over-useful to their allies. The Riches, Earls of Warwick and Holland, had been buccaneers, who bought their titles. Many of the others, such as Southampton, Salisbury, and Essex, had private grudges against the house of Stuart. They were fickle allies and dangerous leaders. There can be no doubt that the war, the final issue of which was never doubtful, was prolonged or embittered by the incompetence and perhaps worse qualities of Essex, Manchester, and Say and Sele. There can be no doubt that the persistent bad faith of Charles was encouraged by a belief that he could rely on a party which might restore him without conditions, or on easy ones. Nor is there reason to believe that when, on February 6, 1649, the Commons abolished the House of Lords, they imagined that they were taking away an institution which had a constitutional right to share the functions of administration and legislation. There were men living who knew that the Lords had taken but little share in the functions of Parliament, that they were mere advisers of the King, that the advice they gave was rarely in the interests of the people, and that the struggle for liberty had been carried on by the Commons and by the Commons alone.

During the period of the Plantagenets, the Lords made war on the King and on each other, risking their lives on the issue. In the reign of Henry VIII, the privilege of peerage was full of perils. It is true that the objects of a political prosecution were always at fearful odds in the struggle against the Crown. But the commoner was better off than the peer. Nothing but consummate prudence could keep the nobles of that time safe from the axe, and prudence was not always of avail. When Parliament was not sitting, the Crown could easily secure the conviction of a noble by packing a jury of peers; and, when it was sitting, by the obvious and effec-

tual process of attainder. It is not wonderful that, when at last the Lords got the mastery, they insisted on being tried by their whole order, whether Parliament was sitting or not. Since they have effected this change, only one of the order has been convicted for a capital felony, and he was a very objectionable lunatic. He must not only be an optimist, but very deaf to popular rumors, who is of opinion that none of the order have ever deserved to incur this penalty. The Court of the High Steward has not been summoned since the trial of Lord Cardigan.

During the suspension of their House the English peers conducted themselves discreetly. They held aloof from Cromwell, declined the advances which he made them, when he sought to reconstruct a House of Lords, but engaged in no conspiracies against his government, and apparently held no correspondence with the exile, as many of them afterward did with his brother and nephew. They probably believed that sooner or later Cromwell would take the title of king, and, in such a case, they would have, in all likelihood, rallied round "the base, mechanic fellow," as Charles called his rival and conqueror. But Cromwell's conservative instincts were of great value to the English nobility. More victorious than Sulla, he could have planted his veterans on the estates of the Church and the English malignants, and have made the chances of a restoration all but impossible. He began such a policy in Ireland by placing his veterans there. But it seems clear that Cromwell wished to reign as well as to rule, and that his plans for this object were only half formed at his premature death. It is certain that no death in all history has ever so largely affected the current of events. It is, of course, idle to speculate on what would have happened, had the life of this great man been prolonged to a natural duration. It is clear, however, that he could have ousted Spain from the New World and the Low Countries, that he would have curbed, or at least have controlled, the ambition of France, and would have reversed the treaty of Westphalia in the interests of Protestant ascendancy. The army of Cromwell was, as has been observed, unlike anything before or since. It was not only irresistible, but it conquered before it fought, and its resources were inexhaustible. It was far superior to the English bowman, the most dreaded arm of the fourteenth century, or the Swiss pikeman, the mainstay of the French monarchs in the fifteenth, or the Spanish man-at-arms, the terror of the sixteenth. But Germany was exhausted by the Thirty Years' war ; and France was under a minority,

where a foolish woman and a crafty priest had enough to do in making head against the French nobles ; and Sweden was in the hands of the degenerate daughter of Gustavus ; and the democracy of Holland was infatuated in favor of the cold-blooded and selfish house of Orange.

The Restoration was the opportunity for the English Lords. They sprang at once into an active House of Parliament, with many new privileges, which they called old, and many ancient claims, which they passed to the uttermost. They were completely independent of the sovereign, for Charles knew that it would be wise to temporize with Parliament, and he quite understood how much he owed to the Lords. He never thwarted them but once, and on that occasion they strove, in the interest of one of their order, to annul a conveyance by act of Parliament—the conveyance, namely, made by the then Earl of Derby to Sergeant Glynne of the estate which, after long having been in possession of that lawyer's male descendants, is now occupied by Mr. Gladstone. The Restoration is the beginning of the modern House of Lords, just as it is the commencement of a twin institution, the modern English Church. Both these political instruments were so entirely changed at this epoch that their previous character has hardly any association with their later development—has little more than an antiquarian interest. The Anglican Church, from the accession of Elizabeth to the Act of Uniformity, a period of about a century, was a national Church, rejected by only a few sectaries. Since the Act of Uniformity it has been mainly a political institution, weak in the large towns, and powerful chiefly by its association with the landed interest. The House of Lords up to the same period was feeble, servile, and wholly unimportant as a political institution. But, immediately on the Restoration, it became as vigorous as the House of Commons, and in a generation it overshadowed and controlled that House. During the reign of Charles II, almost every statesman who took a prominent position in public affairs was a peer. It was in the House of Lords that the opposition to Charles II's government was organized and matured. It was the House of Lords which expelled the Stuarts, and bestowed the crown on the remotest and, politically speaking, the most unimportant descendant of James I. The English royal family was placed on the throne, not only by an act of Parliament, which does not differ from any other act of Parliament, but was maintained on the throne by the Lords, for it was in this Chamber that the principles of the Revolution were dominant, and

it was this Chamber which thwarted the intrigues of Bolingbroke and Atterbury for the restoration of the Stuarts.

Several circumstances materially assisted the assertions of the Lords. They had been faithful to monarchical institutions, and yet had in the main secured their wealth, while they underwent an easy ostracism, which adhesion to the Protectorate would have instantly removed. On the other hand, the country gentlemen were more zealous for the exiled Stuarts, and were more seriously injured. The impoverished Cavaliers were all from the untitled gentry, for it would be difficult to find a single nobleman who lost his estate on account of either Charles. Again, many of those who had sided with the Revolution of Cromwell were ennobled for their adhesion to the Restoration of Charles. Some, like Ashley, afterward Lord Shaftesbury, had the baseness to sit in judgment on the men with whom they had acted, and to assist in the pitiful revenge which the restored King took on his enemies. Again, the last fifty years of the seventeenth century was a period in which wealth was accumulated in England with great rapidity, especially by companies trading on a common and chartered stock. Great improvements were also made during the same time in the art of agriculture, and rents rose with unexampled speed. The incomes of public officials had been small in the first half of the seventeenth century; they became enormous in the second half, for Charles introduced into England the French system, by which fees of office were multiplied. The policy of the Tudor kings had broken down entails, and the lawyers of the Restoration devised a new conveyance, under which an infinitely stricter entail was smuggled into English law. Hence, as an aristocracy is the inevitable government of any country, the law of which assists the aggregation of real estate in few hands, the English nobility had everything to favor them. Besides, it is impossible to adjust the balance of political power between two Chambers. One must needs serve the other, and Jacob will supplant Esau, or Esau vex Jacob. At this epoch the character of the House of Commons assisted the political superiority of the Lords. Gathered, in a fit of unreasoning passion and even more irrational loyalty, from the dregs of the Cavalier party, it sacrificed almost everything for which its predecessors had contended. It relinquished its control over the public purse, for it gave Charles a large hereditary revenue. It relinquished its control over the clergy, for it suffered Convocation to recast the Liturgy of the Church, contenting itself with the barren protest that it could have introduced changes, had it chosen, in the forms of pub-

lic worship. It relinquished its hold on the nation by consenting to repeal the triennial act. It was poor, and was systematically bribed by the King. It was ignorant as well as venal, and was easily manipulated by the unprincipled adventurers who undertook business on Charles's account. In self-defense, because here there was a common interest, the Lords allowed it to assert Parliamentary privilege, and even made use of it, in order to indirectly strengthen the dominant order, while it quarreled with it over details. But, most of all, the decayed boroughs were largely bought by the nobles, and the representatives of these wretched villages became the obedient nominees of aristocratic proprietors. It was not wonderful, after the experience of power and wealth which came to the nobles through the Parliamentary system of the Restoration, that, when the Stuarts betook themselves to their old madness of suspending Parliamentary institutions, the Lords conspired against them and expelled them. If Charles had lived ten years longer, and had continued during those ten years, as he did during the last four of his reign, to dispense with Parliaments, he would have been as infallibly driven from his kingdom as his brother was.

It was during the reign of Charles II that the Lords arrogated or extended many of their privileges, as well as appropriated the substance of political power. They revived their claim to sit as a court of justice, and even on certain memorable occasions asserted that they had an original jurisdiction. Ultimately the Commons conceded that they had a right to hear appeals. Such a travesty of justice was never imagined, and the wonder is that it was tolerated. That a number of men, amounting sometimes to nearly two hundred, who were rarely possessed of any legal education, should presume to review the decisions of the courts, and decide questions of law by majorities, was as absurd as it was audacious. The lawyers showed their opinion of the matter by neglecting to report the Lords' decisions. But the right continued till, a serious scandal having been nearly perpetrated in 1769, in the Douglas peerage case, the lay Lords tacitly abandoned the practice of voting on appeals, and left this jurisdiction to such law Lords as might happen to belong to their House, and might have the leisure or inclination to attend to the pleadings. The Lords, during the same period, affirmed in the Purbeck case that a peer could not by any voluntary act of his own relinquish his peerage, and strove to restrain all criticism on their doings by the privilege of punishing what was called *scandalum magnatum*, inflicting penalties by their own act on those

who offended their order, as they did in the case of James Percy, or refusing to administer justice, as they did in the case of Oates. It is possible, as Macaulay has urged, though the protests do not bear out his interpretation of the facts, that the Lords were angry at having been made the dupe of this infamous man ten or a dozen years before he came before them for redress, but there was no excuse for the attitude which they assumed toward their petitioner, and it is certain that long after the Revolution a very considerable section of the Lords believed in the reality of that conspiracy on which Oates gave evidence. The reversal of Stafford's attainder did not take place till 1824, one hundred and forty-four years after his conviction, and this reversal was even then strongly protested against by one of the most respectable peers.

The political power of the House of Lords, dominant since the Restoration, was made absolute at the Revolution. The peers expelled the male Stuarts, and became the heirs of their prerogative. That they succeeded to the functions of monarchy, and distributed them among the leading families of the Revolution, is curiously illustrated by their temporary patronage of letters. In every civilized community, except England, literary eminence is the readiest road to the highest administrative functions. In the United States, in France, and to some extent in Germany, conspicuous capacity in the noblest branch of human learning, history, is the passport to distinction, and, if the possessor of such learning cares for it, to the public service. In England it is a disadvantage, and, as a consequence, no public men are so ignorant of history as English politicians are, and no historians are such mere annalists and mere antiquaries as English men of letters. The philosophy of history, notwithstanding the abundant materials for it, is at the lowest ebb in England, which does not even possess a respectable summary of its own political career.

For a time, however, the Lords found it to be expedient (and felt it to be expedient, till they discovered the easier art of corruption) to use the services of men of letters in support of the new model. Thanks to Cromwell's failure as a politician, the English people hated an army, and determined, thanks to the more conspicuous failure of the army which James gathered at Hounslow, to have done with armies in England, which, as the militia bill of the Long Parliament taught them, must be in the name of the Crown, but might be in the hands of a docile and well-regulated House of Commons. But it was necessary to conciliate, for a time at least, the

smothered republicanism of the towns, and to ridicule the dangerous but irrepressible stupidity of the country clergy and the country squires. At the Revolution, there was no peer of Parliament who could have produced the effect which Shaftesbury achieved, by his letter "of a person of quality to a friend in the country," and the Lords had to betake themselves to the services of men of letters. Such a man was sometimes a venal hack, as Defoe was in 1688-1720, and many leader-writers in London dailies are now. But he occasionally was a man of spirit as well as of ability. The Whigs of the Revolution never made a greater blunder than when they discarded and offended Swift. There is, I believe, no English political pamphlet which for vigor equals this writer's essay on the conduct of the allies, none in which there is more art, and, one must add, more sophistry. It was written when Swift had passed over to the Tories, when, after dancing attendance on Harley, and doing porter's work for his employers, he was finding at last that he had to elect between a precarious literary calling and banishment to an Irish deanery. To understand the conclusion of Swift's career in a modern parallel, we must imagine a leading English man of letters, who has gained a splendid but precarious reputation by the advocacy of a great and expectant party, offered, as the reward of his services, the bishopric of Toronto or of Cape Town!

The illegitimate children of Charles II had been raised to the highest rank in the peerage, but had joined the party of the nobles at the Revolution. Charles had done by his children what Louis XIV did by his. Before this time the title of duke had rarely been conferred on any but legitimate members of the royal family. After the Revolution it was very generally bestowed; for the heads of the English aristocracy had no mind to occupy an inferior rank to the offspring of those courtesans, especially as they were superior to them in wealth and influence. But it can not be doubted that the extensive grant of this title added to the political strength of the Lords, who were at the zenith of their power as a body in the reign of Anne, and were generally, indeed inevitably, Whig in their political tendencies. They were weakened, however, by the addition of the Scottish contingent in 1707, and by the simultaneous creation of twelve Tory peers on December 31, 1711. Nothing but the pressure of the strongest political necessity induced the English Lords to acquiesce in the introduction of the Scotch nobles to their Chamber. The Scotch peers were nearly as numerous as the English, though the population of the northern part of the island was probably not

much more than a tenth of that in the southern, and the portion of Scotland which supplied this redundant nobility was not much more than a third of the district included in that northern kingdom. The English peers thought that sixteen of these nobles, elected for a single Parliament by the suffrages of the whole order, would have too great an influence in the House. They were in the right; for, in point of fact, this Scotch contingent actually turned the balance, and it was by their means that Harley supplanted the Whigs, brought the war with France to an end, and reduced Marlborough to a private station. The Whig peers avenged themselves by carrying a resolution, in 1711, which disabled any Scotch lord who might be introduced to the English peerage from taking his seat in the House, or from taking part in the trials of peers; while, in the reign of George I, they actually attempted to limit the number of their own order by restraining the King's power of creating peers.

When Walpole and his rival Pulteney were simultaneously ennobled, the ex-Minister is said to have addressed the late leader of the opposition with—"Here we are, my lord, the two most insignificant fellows in the kingdom!" He was alluding to the fact that, though the Lords were still the dominant element in the English Government, the power which they possessed was virtually wielded by those who had bought or inherited the greatest number of nomination boroughs. Such a man was the Duke of Newcastle, the descendant of one among the memorable five members whom Charles attempted to arrest in the House of Commons. Nothing seems to prove more conclusively how wholly aristocratic had been the Revolution of 1688, and how clearly convinced the nobles were that the power which the Crown had hitherto wielded would pass to their hands, than the fact that no attempt whatever was made to reform the House of Commons, and to redress the absurdity by which the representatives of Cornish and Wiltshire villages actually swamped all the English counties by their numbers. It has been alleged that this reform was distasteful, because Cromwell had constructed his Houses of Commons with some regard to numerical equality in the constituencies, and that no precedents of his creation could be acknowledged. It is much more reasonable to conclude that the Lords foresaw the consolidation of their own power in the maintenance of a system which gave the counties and a few large towns freedom of speech in Parliament, and secured the practical control of the Commons though the nomination boroughs. During the eighteenth century, whatever political independence there was in the House

of Commons was to be found in the counties and a very few boroughs.

The dullest page in English history is that of the century in which the English aristocracy managed the nation's affairs. It contains, however, one episode the effects of which are greater and more lasting than any series of connected events in the history of civilized man. The Seven Years' war settled for ever the question as to which of the European races should effect the colonization of the world. In 1750 it might have been well believed that France was destined for this function, or at least for the largest share in it. The peace of Paris not only stripped France of her colonies, but extinguished colonial enterprise among her people. Henceforward all movements from the Old World are absorbed and lost in the great exodus of the English-speaking race. Nothing has ever been so critical as the issue of that struggle which gave Northern America and India to the English people, which gave them also the first start in the race by which they have occupied every place of vantage in fresh countries. It was as though the angel of Fate had said, though no one had the wisdom to hear him, to the whole of Europe, other than the British Islands : "Too late, too late ! ye can not enter now !" But this work was not done by the English aristocracy ; it was effected by an adventurer, and, to all appearance, one of the least promising of adventurers—by the son of a man who had been dignified by the title of a governor, when he was really the manager of a trading-factory in India, and who had got wealth by dealing in a stolen diamond. But the elder Pitt was an Englishman, and knew how to deal with the instincts of his countrymen. In the Seven Years' war he conquered the world for his race.

The aristocracy of England were at their wits' end for money wherewith to meet the charges of this war, for in the middle of the eighteenth century a direct tax on land was the most important and the most obvious item in the national revenue. They therefore claimed a contribution from the plantations ; and, though it is certain that, had the colonists been properly invited to aid in the charge incurred, they would have cheerfully taken such a share of the burden as their resources would have permitted them, they resented the high-handed mode on which the English Parliament determined. Then came the War of Independence. The acknowledgment of American independence led in England to the abolition of that control over the Irish Parliament which had lasted since the reign of Henry VII, and of that penal code by which the aristoc-

racy of the Revolution intended to extinguish the religion and the nationality of the Irish. But the greatest issue of the American War of Independence was the outbreak of the French Revolution, the natural but frantic fears of the English nobility, the reaction which Pitt was too timid to resist and too ambitious not to utilize, and the postponement for nearly half a century of Parliamentary reform. It is admitted by Sir A. Alison, the Tory historian, that the war with republican France was undertaken in order to obviate the demand for reform, for English politicians are aware that hitherto nothing has been so effectual a barrier to any change, however necessary it may be, as the committal of the people to a vigorous foreign policy—the maintenance, in political phraseology, of the place of England in the Continental system.

At last, but only by the force of such widespread disaffection as almost amounted to a popular revolt, Parliamentary reform was conceded. It was not a very drastic measure, for, though many decayed towns and deserted villages were disfranchised, the distribution of representation remained very unequal, and, even under a second reform act, is still full of anomalies. But the power of the House of Lords fell with the first Reform Bill. The English aristocracy is indeed, thanks to the concentration of land in few hands, still exceedingly powerful, possessing the whole of one House and being overwhelmingly strong in the other; though the estimate which is made of their income, even if they had, as they notoriously have not, their land free of charges and mortgages, is not more than an eighth of the reputed income or earnings of the whole nation. But they do not any longer directly control the policy of the nation. An administration may be inconvenienced, but it is not at all imperiled when it is in a very decided minority in the Lords, if it be not strengthened by such a contingency. When a Conservative administration is in office, nothing is likely to disturb the calm of the House of Lords. When a Liberal government is in power and is strong, the resistance of the Lords to a measure is nearly as obsolete as the veto of the Crown, though the practice of reading and debating bills in the Lords certainly tends to the delay of business, and the upper Chamber is occasionally able by such delays and by their amendments to postpone a change or to modify it. But it is not easy to conceive that this Chamber would put any serious obstacle in the way of popular demand. Perhaps this is the reason why, when noblemen respond to the toast of the House

of Lords, they are frequently accustomed to speak of it as, after all, a representative body.

The Lords rarely meet in any number, and their debates are soon over. An after-dinner sitting or a general gathering is a very exceptional event. Were it not for the understanding that a certain number of the Cabinet shall be in the upper House (a mere conventional arrangement), it is probable that it would be often difficult to get a House together at all, even though there is no rule that there should be a *quorum* present. The writer once asked a Liberal peer of his acquaintance why it was that the House had not established a standing order constraining the younger peers at least to serve on committees, and was answered that "it was hard enough to get a dozen peers together for business, and that, were such a burden put on them, so numerous a gathering would be impossible." It is true that a few of the lords work very hard. The writer once expressed his surprise at the incessant and varied labors of one among these industrious peers, and was told that "some of them must work in order to save the whole from absolute inanition and futility." In point of fact, the English nobility understands its altered position, and is at no pains to affect diligence in the business of a Chamber which has no real business to do ; which is contentedly idle when Conservatism is in the ascendant, and is discontentedly idle when Liberalism is at once active and popular. But, even if the Lords were ever so willing to work, they could not find work to do, for their activity would be suspicious and would be resented. Frequent demonstrations by the order, large gatherings, energetic debates, long division lists, would be met with irritation or treated with contempt. On all great matters, the peers of the English Parliament are impotent, and their speeches excite little more than the languid interest of a debating club seated in an historic Chamber. As a genuine political force, the upper House is practically obsolete and unreal. It retains the pomp and show of its ancient dignity, the Speaker and the Commons are still summoned to its bar, when the Clerk of Parliament, after solemn reverences to the throne and the commissioners, haughtily informs the mouth-piece of the lower House that the royal assent has been given, or that the gifts of good subjects have been accepted ; but the power which the House wielded from the Restoration to the Reform Bill has become a pageant. As a legislative body, the Lords have become, as Walpole said, "the most insignificant fellows in the kingdom."

If, as many, perhaps most, publicists allege, the coördinate ac-

tivity of two Chambers is necessary for the balance of political forces, the English nation is not possessed of this requisite in the House of Lords. But, as is generally the case with countries where government is administered on the lines of an unwritten constitution, the English people has secured a double Chamber in the Cabinet and the lower House—the latter expression implying the unofficial part of the Commons, and with the result referred to above, that this informal Chamber, the Cabinet, which is always in session, really, and by means of its following, dominates over the opposition. This is illustrated by the fact that it is very difficult for a private member, however numerous and respectable may be his following, and however reasonable may be his proposals, to carry what is called a private as opposed to a government measure through the House; and impossible, unless the government of the day favors or accedes to his projected law. This fact explains what must be strange to those who study the working of the English Parliament, how it often happens that a measure, propounded by a private member, may be rejected by decisive majorities in one session, and be carried by as decisive a majority, and by the same Parliament, in another session. Another noteworthy fact is, that no economist in the House of Commons, however energetic and persevering he may be, and however good a case he may make out, ever succeeds in rejecting or even in reducing an estimate. It does not follow that his labor is thrown away, for governments are very sensitive to criticism in supply, or at least very unwilling to provoke opposition to their estimates; but the direct effect of divisions on government expenditure, even in the smallest details, is practically *nil*. For nearly a quarter of a century the late Mr. Joseph Hume strove to check government expenditure by criticism, and confessed that all his efforts had been unavailing, all his time wasted. But he stuck manfully to his habit. In nearly the last year of his life, when the Duke of Wellington was being buried in St. Paul's with great and lingering pomp, an acquaintance of the writer, who, holding some official rank, was placed near the aged economist in the cathedral, heard him say sadly, in the most solemn part of the service: "Great Heaven! who is to pay for all this?" He had no doubt that the House of Commons would sanction the payment for the last ostrich-feather and the last yard of crape.

The Lords appear to be conscious that they have in their hereditary capacity an anomalous position, for they have at last conceded to the administration permission to create a limited number of life-

peers, chiefly with the object of supplementing the legal element in the Chamber. Many English writers have alleged, and with great show of reason, that, if an upper Chamber is useful and if the hereditary principle is to be respected, it is expedient to leaven the anomaly with a large infusion of some popular element, and that the most conservative process by which this change can be effected is to create life-peers from such members of the Commons as have served the public in the lower House well and for some time. But, if the experiment were tried on a small scale, it would have but little effect on the very large hereditary element which can, if it pleases, present itself in the House of Lords; and if it were largely used, apart from the fact that it would make the Lords inconveniently numerous, the expedient would continually weaken the lower House by drafting off its ablest members, and probably would disparage those who quitted the popular for the irresponsible Chamber. The admirers of a brand-new peer are always far fewer than those of a popular leader, as Chatham discovered, and many inferior men have found since. A man may be excused the dignity which he has inherited; it is another thing to run after Naaman the Syrian, and get a change of raiment from him. There are of course vain men, insignificant men, and adventurers, whom titular dignity makes neither better nor worse. But there has been sound political good sense in the attitude which the two most considerable English statesmen of modern times, Peel and Gladstone, have taken in reference to what was once thought the final course of a political career—the acceptance of a peerage.

JAMES E. THOROLD ROGERS.

THE ETHICS OF SEX.

THE main psychological distinction between men and women is that men *think* more than women, and that their thinking is of a better quality, because it is carried on chiefly in the form of reasoning, and is drawn from a wider field of facts. This is not a random inference, but may be scientifically verified by any observer who will approach this question in the same impartially critical spirit which should guide investigation upon every subject. Brain-activity is a constant phenomenon in both sexes during waking hours ; but much of this activity is merely emotional in women. A great part of the conversation of women is a helpless playing with facts, a bringing of them together like the words of a dictionary, with little endeavor to found any conclusions upon them ; and it is among women that we hear the most positive expressions of approval, condemnation, or pity. An intense personality modifies their decisions on most questions. The scientific spirit which desires to possess the truth and the philosophic spirit which impels to reason upon that truth are rarely found in women.

Nature has exacted the penalty for this constitutional narrowness by keeping their activity within narrow bounds. To verify this, we have only to take the testimony found in the records of modern civilization. Wherever we look we find woman caring for the *individual*, while man has cared for the individual and for the community. General interests have fallen into his hands, while personal ones have been left to hers. This division of labor has been so strictly based upon natural facts that we see that those facts must hold a fundamental cause of such results. In many of the processes of civilization we get the combined influence of the sexes ; but we have one institution which shows the record of unmixed masculine activity ; and this institution is the state. The moral evolution of national life has been shared by women ; but

the intellectual bases of all governments have been devised by men. The modern state, in its two forms of republic and constitutional monarchy, covers a vast variety of relations, and attempts the orderly adjustment of the needs and duties of immense communities, all agreeing or endeavoring to live in accordance with its requirements. These requirements are called laws—the constitution being the soil out of which laws grow to answer special needs. Not only is the plan of the modern state an emanation from the masculine mind, but its administration has been wholly in the hands of men. Queens have leaned upon masculine advisers so completely as to have left their reigns practically to masculine guidance.

Now, the course of history does not show any deliberate exclusion of woman from the affairs of government; but it does show, most clearly, that her want of participation in governments has been due to her defective reasoning powers, and to her incapacity for judging of general interests. Her small brain has limited her to a small field of activity; and her activity in this narrow field has been so intense as to give great perfection to those departments of life which have fallen under her care. She has ruled well in her small realm, and has shown a fine ability in organizing and applying her small forces.

Women have made four important contributions to modern civilization: they have cared for the body in its immediate needs by the preparation of food and clothing, and by ministration to the sick; they have been the conservers of moral forces, and have insisted on special standards of conduct in society and in the home; they have guided the rudimentary intellectual training of children; and they have contributed to the æsthetic development of the race by creating and combining beautiful forms and colors in dress, in decoration, and in household art. These four departments have been mainly controlled by women, and the comfort and beauty of every-day life proclaim their success.

Moral claims or rights exist only in the fitness of the claimant to do the work involved in such rights. Man's right to found states was in his comprehension of the immense interests involved in them. Women could not possibly have organized any modern state. There has never been any body of women of sufficient largeness of mind and inductive reasoning power to have grasped and dealt with the facts and principles which go to the making of any one of our better national constitutions. In every civilized commu-

nity it has always been possible to select a larger number of intellectual men than of women equally endowed ; and it is safe to say that, if nation-making had been left to women, the elements would still have been in seething confusion. But, now that the wild horse is caught and tamed, answers obediently to word, bit, and bridle, we may all take a holiday ride ! We may even hold the reins and guide him over the smooth road. The owner is at hand to relieve us if he grows restless, and it is our *right* to take advantage of a holiday prepared for us by the foresight of generations of thoughtful men. It is not true that men have legislated for themselves alone. If they have fought for their altars and firesides, they have also legislated for them. Nothing is so plain to the scientific student of history as that the inconspicuous position of women in the state has been due to a natural lack of power to deal with great questions. Small brains can not give birth to great thoughts. Certainly there can have been no conspiracy on the part of man throughout the centuries to lessen the amount of woman's brain. Men lay far-reaching plans ; they project undertakings which are to cover wide territories and affect large communities. Women's plans rarely extend beyond the few immediately about them. It is true that the modern movement for woman suffrage has been originated and mainly carried on by women ; but this is the only project of great magnitude which they have originated. Putting the man's share in creating civilization beside woman's, the latter shrinks to a mere speck in contrast with the mighty achievements of men. This contrast has rarely been stated and dwelt upon with the emphasis which it deserves. Woman's work has been temporary in character, accomplished, expended, and repeated day by day. Much of man's work has been permanent. The principles of mathematics and optics, the invention of machinery, the immense industrial enterprises which feed millions, systems of trade, voyages of discovery, the art of printing, the creations of architecture, temples, palaces, bridges, ships, the great accumulation of facts in natural science, marine geography, meteorology, medicine, jurisprudence, musical composition, sculpture, creative painting, and literature are, with slight exceptions, the work of men. The only one of these departments to which women have considerably contributed is literature ; here their creations have been mostly of poetry and fiction. In history, philosophy, criticism, and the drama, they have done nothing of great value or amount. The names of the few women really distinguished in literature belong to the last century

of our history, and the list is a very short one—Madame de Staël, George Sand, Charlotte Brontë, Mrs. Browning, Miss Martineau, Frances Power Cobbe, and one name which by its superiority refuses to be classified with the rest, George Eliot. America has produced only two women that could be called great: these are Margaret Fuller and Charlotte Cushman. Yet the life of Margaret Fuller was rather an aspiration than an achievement, and she is but an intense type of the American woman of the nineteenth century, who shows a divine discontent with her present intellectual status and a desire to grow to her full development. But in the nature of things this desire can not expand into a reality, save in rare cases, for many generations. Under the most favorable conditions women can not hope to overtake men in intellectual pursuits; for the same stimulating circumstances which impel woman forward act with equal force upon man, and there is little danger that he will play the rôle of the tortoise in the fable, and lie down to repose while she presses on to the goal.

Yet he might sleep for a thousand years, and wake to find that he had not yet lost his preëminence in intellectual power. A certain body of reformers have so persistently held up the names of a few eminent women as types that the unscientific observer is continually tempted to base his conclusions on a few reiterated and conspicuous facts instead of on a survey of the whole field. It is a curious problem for the scientific student of the evolution of the human intellect to calculate from carefully gathered data, and using an ascertained rate of brain-development as a unit of measurement, how long it will take for the average feminine brain to reach the present development of the average masculine brain. Studied from the physiological side and under the known law that, *qualities* being identical, the amount of power in any two brains will be determined by their relative *quantities*, we must admit that, unless it can be shown that the quality of woman's brain is superior to man's, the conclusion will show him to be permanent master in the domain of intellect.

Now, the question of quality can be readily settled by an appeal to facts. The intellectual and æsthetic productions of men are of finer quality than those of women because they contain and express a larger range of emotional experiences. With the one exception of George Eliot, we can not name a woman who is worthy of comparison with Shakespeare, Schiller, Goethe, and Auerbach, in the department of imaginative literature; for the novel and drama may

be legitimately compared as expressions of the same phase of intellectual activity—the creative imagination.

In the reconstruction of popular creeds, it has always been men who have formed the advanced guard. Women have lingered longer in the churches and have dropped their superstitions more reluctantly. Men, always in advance, have set up intellectual standards which women have continually endeavored to reach ; and this endeavor of women to appropriate the thinking of men has had more analogy with the overlaying of one geologic stratum by another than with the natural organic growth of plant-life. Women have picked up *ideas* as they have picked up specific facts, have handled them like toys or flourished them like fans, have made society capital out of them, and have used them as they have used dress and paints to win the attention and approval of men ; so little conception has the ordinary well-read woman had of the sacred value of ideas as helps in the development of human nature.

Although the claim of women to intellectual equality with men is childish, and their excited denials of masculine preëminence still more so, there is a claim which may be fairly made for them, the granting of which would lessen the inequality. They have a right to the most favorable conditions for intellectual development ; but, as no advantages can atone for a defective natural endowment, so women must mainly climb intellectual steeples by means of scaling-ladders which men have put in place. It is true that individual men may be met every day who would show inferiority to individual women in power of independent thought ; but, if the comparisons be made from those reared in the same social and educational ranks, our statement will hold. The great distinction between boy and girl in grammar and high schools is that, while the girl is dreaming, the boy is thinking.

There is no discouragement in facing and accepting scientific truths. There is no humiliation in it : and it is a finer and more honorable thing to see and admit one's true position in the great drama of human evolution than to contend by defiant assertion that we possess something which in the nature of things can never be ours. Women will have given proof of candor and will have made a step toward that intellectual power which they long to attain, when they can see and acknowledge that a decree of Nature has made them permanently inferior to men in intellect. If Nature had given them brains as large and as finely constituted as those of men, they might hope for the same results by exposing themselves

to the same developing influences ; but, while the physiological fact remains, the psychological one must keep it company. There is nothing disheartening in a great truth evolved from an immense accumulation of facts. When we have put our feet upon an eternal truth, the desire of growth and the power of growth are born in us like strong twins of one blood. Shall we neglect music because we can not compose like Beethoven, or sing like Parepa ? When we have repented and confessed our sins, we are ready for amendment.

It is not to be doubted that the possession and exercise of political power would do something toward increasing the disposition of women to reason and think independently. If the mind be brought into continual contact with large facts and extensive interests, it makes continual effort to take in such facts and interests. We can not find any natural law which should keep women from exercising the suffrage power. All the declamation and argument which has been spent upon it has been less needed to convince people of its rightfulness than to move inert bodies of legislators to act upon the conviction. "When women *want* the right, they will get it," has been the common remark from the lips of men. Now, if women do not want this power, as the greater number do not, it must be either because they fail to see that it would help them in their growth, or because, already understanding political affairs, they prefer to take no active share in them. As a matter of fact, no information is more easily acquired in our own country and in England than political information. Every newspaper is a text-book and every man a teacher. The *facts* of national life are just as well known to women as to men. Their acute power of understanding and judging individual character would help them in deciding upon the honesty of candidates ; and doubtless the chief result of woman's participation in politics will be her insistence upon certain fixed moral standards. Into politics as into society she will carry her inclination to deal with the *individual* instead of with the community ; and she will always better understand and better guide the individual than the community. Her mind chooses detail ; and, while it can employ itself upon the individual, it is content to leave the genus to others. Women are much happier in the study of character than in the study of political economy. It has become comparatively safe for American women to enter into political life because the most difficult work has already been done by men, and because there are still men enough ready to assume all the hardest positions. If men were

now to retreat from the political arena and yield it up to women, even for one year, we should find them wholly unfit for those positions in which the largest demands are made upon them ; and this, although our political machinery now runs so smoothly that second-rate men can successfully oversee it. The participation of women in politics would probably be of no benefit to the state ; it lacks no element which they could contribute. The official and administrative work can be better done by men. If women were to enter the civil service, as they would certainly wish to do, they could expect only the least honorable positions ; for in this market, as in every other where competition exists, it is the excellence of the work which determines precedence.

The ethical point which remains to be considered, then, is whether women are in such need of the developing influence of the suffrage as to justify them in taking a share in an institution which has no need of their coöperation, and which in every department would be better administered without them. If they can, in some other way, win the development which the suffrage is expected to confer as a matter of *right* they should keep free from interference in state matters.

It is certainly a small demand upon the patriotism of women to ask them to refrain from a course which would imperil the wise conduct of public affairs. No one can deny them the right of voting. But they are not obliged to eat the cake because it is set before them. If they see that, once having obtained the power to choose, it is the highest duty to put it aside, they should be strong enough to act upon that conviction. The danger in exercising the suffrage is, that it opens the way to contention for office, and that women would not be likely to refrain from entering so tempting a field. It is to be hoped that, once having removed the barriers and legal disabilities, they will be content to turn to other matters after some harmless experimenting has convinced them that they can gain all the intellectual advantages of the suffrage without committing themselves to experimental politics. As there are only so many heart-throbs per minute, only so much blood sent to the brain per diem, only so much thinking possible, therefore all the thought expended by women upon political matters must be so much subtracted from the sum of other possible experience. What is given to the state can not be given elsewhere, and more politics means less literature, less music, and less acquaintance with the physical sciences. In all these fields women have shown good capacity, and it is a fair infer-

ence that persistent devotion to these will show still finer results in the future. Women will contribute more to the civilization and elevation of the nation by devotion to literature, æsthetics, and the natural sciences, than by expending their strength in trying to solve problems of state; while the practical efficiency, physical endurance, and inductive reason of man make such work easy for him. Nor will women miss the possible benefit of politics by declining participation in it; for already, without such participation, their knowledge of the facts of public interest is very extensive, and whatever reasoning power they possess can be brought to bear upon them. As the best men do not vote, so, doubtless, the wisest women will not. When politics is a trade, and offices are scrambled for like clerkships in a commission-house, it is a rather low ambition to add one's self to such a multitude. Of all the agencies set at work for the elevation of woman, political rights will probably be the least helpful.

Along the whole course of human development we can detect an increasing tendency to the subordination of *sex* to the multiplication of powers and activities common to both sexes. The influence of sex is diminishing as a distinct factor in human life. Work of all kinds is rated at its simple value, irrespective of the producer. Power of all kinds is directly proportioned to the number of things which the human being can do *well*.

All things which men can do better than women they have the greater right to do, because the better doing constitutes the right. It is a base violation of the economy of Nature to expend more material and more power in the doing of work than is necessary to attain the end. The problem of the wise expenditure of force and the closest adaptation of means to ends is the most important question in our present civilization. There is a constant extension of the territory occupied by men and women in common. The number of avocations pursued by both men and women is perhaps ten times as great to-day as was the number three centuries ago, and this creates a corresponding increase of their points of contact and common interest.

In arguments upon the sex question it is usually claimed that women have a finer moral development than men; that the ethical idea, or conception of duty, controls them more powerfully. Applying the scientific method to this inquiry, and looking at facts, we do find a more frequent solicitude to conform to fixed standards of conduct, determined by society, law, and religion, a more intense anx-

iety to secure the approval of others, and a greater reluctance to refuse any individual appeal for aid. Women give sympathy as freely as the clouds give rain ; and, when human hearts have been jarred or wounded, nothing is more necessary than sympathy. But a thought which will mend the hurt by preventing its repetition is of more value than a tear which expresses sympathetic suffering. Women have a preëminent power of putting themselves in the place of others, and of carefully considering every weakness and sparing any infliction of pain. This kindness and consideration for the individual explain their exquisite power of ministering to the happiness of others. What is called conscientiousness—the careful, painstaking balancing of different courses of conduct—is very native to them ; and this dealing with the minutiae of morals makes them the rightful guides of children in the school and home. Wherever the question has been one of immediate relief and of present comfort, women have been natural ministers. In many cases their benevolence has extended to a thoughtful removal of causes ; but great plans of philanthropy which have involved the bettering of the condition of whole nations have originated with men. This has been due to a no less intense desire for general good upon the part of women, but from their slighter power of seeing wide ranges of facts and reasoning from them to general remedies. While the woman is ministering to the needs of one sick family, the man is organizing a plan of action which shall improve the sanitary condition of the whole village. Women have in many instances appropriated fortunes to philanthropies founded upon the thought of men ; but they have seldom originated such schemes. They have been far behind in thinking upon philanthropies and reforms, though they have been prompt to feel and to act. This feeling and action are most valuable in supplementing thought, but, from their great amount, their relative value has been overrated. The one who conceives a great plan is always greater than those who execute it. He is the master, and they who follow are his servants.

Into all estimates of the comparative morality of the sexes, one specific criticism always enters, that of the greater insincerity of women. If a fair investigation could be made of the social and home life of a score of men and of an equal number of women, it would undoubtedly show a greater proportion of deceptions, affectations, suppressions, and unworthy plottings on the part of women. If the observations were made in commercial and business life instead of in society, the proportion of masculine falsehoods and con-

cealments would undeniably be greater. The plain reason for this difference is, that women have more points to gain in society, while men have more to gain in business. Men deceive to gain money, women to gain favor. The instinct of self-preservation is, at the bottom of both orders of falsehood. Women, who must have occupation and position, seek them in the direction which offers least resistance. It is always easier to rest in the satisfaction of the emotional life than to push forward in the direction of intellectual growth. The hard work and hard thinking which the world exacts before it will give place and remunerative occupation to the worker is too hard a condition for most women with their present development. It is easier to take up and deal with simpler things; and, if this simpler work gives occupation and subsistence, the end is gained.

The strong and constant demands which wifehood and motherhood make upon the physical, the emotional, and the moral forces, seem to constitute a reason for the checking of intellectual growth. Yet, in the cases of women upon whom no such demands are made, we see no higher degree of development; and this certainly helps to show that their general contentment, with emotional gratification, is an inherent trait. What sufficient cause can there be for this relatively lower development than the relatively smaller bodies and brains of those who exhibit the effect?

There is a direct ethical value in the exercise of the intellect. Its most healthful action can occur only where the moral nature is perfectly sound. We can not acquire facts or reason to conclusions under emotional excitement, or when we are devising some social stratagem. If there is any reason for concealment of motives or of conduct, the necessity for keeping up that concealment will so employ the brain as to render any except this low form of action impossible. The attainment of moral purity, in the sense of a strong desire for the right and true, is the clearing of the field and preparation of the soil for intellectual harvests. The motive to self-preservation and the very general dependence of women upon men for the means of life have fostered moral disease. We know a woman who, for the last quarter of a century, has habitually taken money from her husband's purse while he was asleep, and this has been done to supply reasonable needs and social requirements which he ignored. To be free from the temptation to deceive men, women must be independent of them in respect to the means of life, and they must gain such an intellectual culture as shall lift them out of

their exclusive indulgence of the emotions. At present, women seem obliged to marry for two reasons : one, that they can not win social independence without it ; and the other, that their emotional natures crave constant exercise. How much the severe culture of the intellect will do toward the moral redemption of women by making them less dependent upon men, and less solicitous for their favor, is one of the problems of our future civilization.

One perplexing aspect of the sex question has grown into considerable importance in America, the so-called free-love philosophy. The very great majority of women, with their inability to take in facts in their larger relations, have nothing but utter condemnation for a movement which attempts the destruction of the family in the name of a reform. The majority of advocates of this social theory are men who show that they have thought upon the question, but that their conclusions have neglected some of the most influential facts. One of the fundamental arguments against the present solution of sex relations is that monogamic marriage is a failure : it has not solved the problem of human happiness. Instead of this rotten social institution, in which men and women give pledges and promises under legal and ecclesiastical sanction, it is proposed to substitute absolute personal control of these relations. Neither church nor state, it is claimed, has any more moral right to interfere with individual freedom to form and to dissolve sexual ties than to interfere with the choice, purchase, or sale of a house or of a suit of clothes. The history of civil liberty, it is said, is a history of the enlargement of the rights of the individual ; as he has grown more intelligent, he has continually wrested from the state more and more liberty to control his own actions. It is the policy of governing organizations, like church and state, to keep men in vassalage as long as possible. People can not be freed from irksome matrimonial bondage without the expense and delay of legal processes. So long as people must submit judgment and inclination to statute laws, on such questions they are children or slaves instead of freemen. Such is the general argument of these reformers.

It is not hard to discover the sources of such a social theory. The plan of government in the United States favors the largest possible individualism. It was to give the freest possible play to individual rights that the men of the Revolution fought their battles and framed their laws. The easy conditions of divorce and the yearly augmenting number of divorces under state legislation is a further movement toward strengthening individualism. If

anything goes wrong, the spirit of our legislation is to right it, as far as practicable, by altering the conditions for the individual. This extreme liberality of the state toward her citizens is analogous to the indulgence of a mother to her children who insist on trying some experiment which the mother foresees will not help them. Yet the wise mother knows that the scientific method of developing her child is to let it see for itself what is helpful and hurtful. Changed conditions sometimes increase the happiness of sexual relations ; but, as the reason for unhappy associations is found in the imperfect moral development or lack of judgment of those forming them, the way to insure happier results is to *improve human nature*. Happy unions are always voluntary, not only at the beginning, but as long as life lasts. Love can not be made free by a change of statutes. It can not be bound or loosed under any circumstances. If the state should listen to the petitions of those who ask that sex relations be exempted from control, the experience of a quarter of a century would convince the world that the old, long-tried, monogamic solution of the sex question is the wise one. There are evident reasons why such a result would come. In all the past emotional experience of the race it has been found impossible to create an intense idealization of more than one object at one time ; it has been found, too, that when such idealization has been tested by knowledge and time it does not diminish, but deepen ; and that the effect of this long-continued idealization is to create the best conditions of development, both for those who exercise it and for those toward whom it is directed. Now, if the best conditions of happiness are once secured they should be maintained. It is not possible to bring out all the results of this mutual sex idealization in any short period of association. The very fact that the association is a permanent one gives it earnestness and dignity. It would not be possible to extract from a half-dozen associations, extending over twenty-five years, the same amount of fine character-development that would come from one fortunate association lasting for the same time. When we are once sure of the wisdom, integrity, and affection of some friend through long experience, we spend no more brain-activity in learning his peculiarities of character and in adapting ourselves to them. The association of husband and wife is rather moral and affectional than intellectual. It is a rest, a certainty, a point of departure for all other activities. Once settled, and safely settled, we waste no power in readjusting these relations, but take the fruit as it ripens,

without the need of uprooting the old and planting new trees. There is abundance of unanswerable scientific proof of better results in character and in happiness from long-continued sexual association than from transient and varied connections. For the state to grant to individuals the power of forming and dissolving such associations at will would be to grant them a power of injuring themselves by an unwholesome experiment. If the facts be carefully studied they will convince any fair-minded observer of the true solution of this question, without a resort to such a dangerous legislation. A wiser development of human nature in all directions is the real key to human happiness.

M. A. HARDAKER.

THE PANAMA CANAL.

LAST year, when I addressed to the "North American Review" my first article on the project of an interoceanic canal across the Isthmus of Panama, basing my arguments upon the decision of an International Congress of engineers, navigators, and men of science, public opinion in the United States and even in Europe still entertained some doubts touching four highly important points. These were :

1. The supposed insalubrity of the climate of Panama.
2. The possibility of constructing the works needed in order to establish maritime communication at constant sea-level between the two oceans, without either locks or tunnels ; in short, the possibility of carrying out the scheme approved by the Congress of 1879.
3. A reliable estimate of the cost, which could only be determined on the spot by soundings and by taking longitudinal and transverse profiles ; though the Congress, in the absence of the complete data, which were reserved till the execution of the work, had notoriously presented highly exaggerated figures.
4. The supposed opposition of the United States.

It was in order to meet these doubts that I visited America in company with an international committee of engineers, whose duty it was to make a definitive study of the ground with a view to the execution of the work.

These engineers, whose very names are a guarantee of their competence, were :

Mr. Dircks, Engineer-in-chief of the Waterstaat of the Netherlands, who so successfully directed the great work of constructing the canal from Amsterdam to the sea.

The American engineer, Colonel Totten, who constructed the railway from Aspinwall to Panama.

The American engineer, General Wright, at one time engineer-in-chief of an army corps under General Sherman.

Mr. Boutan, Engineer of the Corps des Mines, France.

Mr. Sosa, Engineer-in-chief of the Colombian Government.

Mr. Dauzats, engineer, head of the Central Bureau of Construction of the Suez Canal.

Mr. Blanchet, civil engineer.

Mr. Abel Couvreur, civil engineer. These two engineers are attached to the establishment of Couvreur and Hersent, contractors for all kinds of public works, and well known in connection with the Suez Canal, the regulating of the course of the Danube, the port of Antwerp, etc., etc.

Finally, Mr. Ortega, engineer in the service of the Colombian Government.

This committee had subject to its orders men experienced in the work of making soundings and taking levels. It labored for fifty days on the Isthmus of Panama, and, thanks to the facilities afforded by the railroad, as also to the coöperation of the authorities and the people, it was enabled to complete in that space of time studies which, under different circumstances, would have taken many months.

When these studies were completed a maximum estimate was made of the total cost.

The committee's report is published ; it served as a basis for a contract I directed to be made, on my return to France, with the contractors Couvreur and Hersent, who will form, with the Compagnie Universelle du Canal Interocéanique, a joint-stock association, whose sole profit from the execution of the work will be the difference *minus* between the cost to them and the estimated cost of 500,000,000 francs.

The following is the programme of the contractors so soon as the work on the canal can be commenced:

Length of line of the maritime canal from the Bay of Limon to the anchorage of Flamenco in the Bay of Panama, seventy-three kilometres.

Excavation of soil and rock and removing the bars in the Chagres, 75,000,000 cubic metres.

Time required to complete the work, six years, or 1,500 days, reckoning 250 days per year, and 50,000 cubic metres per day, with 8,000 laborers, and the necessary machinery and steam-power.

As for the salubrity of the climate of Panama, whither I accompanied the committee with my family, the perfect health whereof we presented living proof on our return to Europe shows how unjustly that beautiful climate has been condemned by those who knew nothing of it—

Omne ignotum horrendum!

We will now consider the supposed opposition of the United States :

It would be a calumny against the great people of the United States to attribute to them sentiments hostile to an enterprise that will promote their material and moral interests, no less than those of the whole world.

On the contrary, on visiting the principal cities of the United States, I perceived that the public opinion of a country which is ever progressive, and which might well teach our old Europe by precept and example, favors a project whose importance for Americans first, and then for other nations, it fully understands.

Again and again I declared that I was not opposed to any of the projects which have been put forward for cutting through the different American isthmuses ; that the Panama project was the only one which, in my opinion and in the light of my experience with the Suez Canal, would enable us to employ the waters of the two oceans, and not the waters of two rivers flowing down opposite sides of the Cordilleras, in opening to great ships a maritime route between the Atlantic and the Pacific ; that America was at liberty to carry out other projects, but that, if she desired to have a share in that which I am about to execute, one half of the capital would be reserved for her ; that the control of the enterprise will be in the hands of those who shall invest their money in it ; that the Colombian Government, from which I hold the right of way in virtue of a law passed by the Congress of Bogota, had declared in one of the articles of its concession the neutrality of the territory traversed by the canal, and the equal right of transit of the flags of all nations ; and, finally, that the Monroe doctrine, to which I adhere, is in my favor, inasmuch as its sole end was to declare, in 1823, the independence and the sovereignty of the Central and South American republics, which at that time were beginning to liberate themselves from the Spanish yoke.

Under this condition of things where are the difficulties of exe-

cution? Where is the opposition of a free and independent people, who are bound to respect in others that liberty and independence by which they themselves have so well profited in entering on an uninterrupted course of prosperity and greatness which excites our wonder and prompts to imitation?

FERD. DE LESSEPS.

PARIS, *May* 19, 1880.

PROFLIGACY IN FICTION.

Zola's "Nana."

Ouida's "Moths."

CRITICS have had their say regarding the latest product of that genius of the muck-rake, Emile Zola. Many of them have endeavored to find a justification for his opening of the sewers of human society into the gardens of literature. Much ability is displayed in this offensive work of engineering skill, and people are asked to pardon the foul sights and odors because of the consummate art with which they are presented. But intellectual power and literary workmanship are neither to be admired nor commended of themselves. They are to be judged by their fruits, and are no more to be justified in producing that which is repulsive or unwholesome than a manufactory whose sole purpose is to create and disseminate bad smells and noxious vapors. Such an unsavory establishment might do its work with a wonderful display of skill and most potent results, but the health authorities of society would have ample occasion for taking measures against its obnoxious business, while those who encouraged the introduction of its products into their households would be guilty of inconceivable folly, besides exhibiting a morbid liking for filthy exhalations.

But it is not alone in M. Zola's literary talent that excuse is found for his work. It is said to lay bare a phase of human life whose existence is actual, and knowledge of which affords security and perhaps suggests remedies for its evils. The phase of life with which he deals in "Nana" is undoubtedly real, but is, unfortunately, not so far a realm of the unknown that an accurate exploration or a vivid portrayal of its characters and scenes is at all necessary or desirable. Those who are likely to make a salutary use of a knowledge of its secrets have no difficulty in obtaining it, and there is no reason for bringing its revelations into the family circle or the chamber of the schoolgirl. The life of the fallen among women is no deep mystery. It is well enough known in its glare and glitter,

in its allurements and revelry, in its Circean fascinations and their besotting effects, in its coarse vulgarity and in its bestial pollutions. The whole Avernian descent from gay hilarity and defiance of doom to putridity and despair is a reality of the world's every-day experience. That can not be denied, and the fact is one not to be ignored. But so are the city sewers and cesspools a reality; yet their existence affords no reason for bringing them to the surface of the streets and exploring among their filthy contents in the light of day. It does not justify the introduction of their nastiness and their stench into decent habitations.

But, though these things are real, M. Zola's delineations of them are not truthful. His work has been called "realistic," and that has been paraded as a merit; but what is meant by this word upon which a new meaning is thrust to serve the purposes of criticism? People averse to analyzing take it to mean that the work in question portrays life and character precisely as they exist, without the color or the glamour which fiction is supposed generally to throw over its descriptions. But as applied to Zola's work it means nothing of the kind. It means that he drags into literature what others would not touch because of its coarseness or its foulness. He displays no extraordinary power in painting scenes of actual life, in portraying human character or in fathoming the feelings or the motives of men. But, where another paints a garden of flowers, he depicts a dunghill; where others present to the imagination fields and trees and mountains or the charms of home-life, he conjures up the prospect behind the stables, the slough at the foot of the drain, and the disgusting bestiality of the slums. This seamy side of things is no more real than the other, and its delineation no more "realistic" in the sense given to that term. Other writers introduce us to virtuous homes and make us acquainted with decent people, often with charming companions for whose existence even in fiction we find ourselves the better. M. Zola takes us among drunkards and strumpets, and brings us into familiar relations with people in his pages whose mere presence in real life is either an offense or a contamination. The "realism" of the process, if it is "realism," is no justification, but rather an aggravation. To follow a debased drunkard through the career of a day and a night would fill us with disgust, and from a street-walker's brazen solicitations we turn away with a sort of horror; and what better, more attractive, or more edifying are they if brought into our houses in a story?

But, if "realism" were an excuse for minutely depicting the viler

phases of human society, it does not exist in "Nana." M. Zola may know more of the life that he undertakes to portray than decent readers care to know, but men who go through the world with their eyes open, and are capable of making those inferences in regard to character and experience which surface indications suggest, know that this book is replete with exaggeration. It does not describe the real life of the class whose type is its central figure, with the sharp lines of truth. The picture is colossal in proportions and flaring in colors. It is no more in the tone of every-day reality than "King Lear" or "The Bride of Lammermoor." This huge, fleshly Venus, with gross attractions of person and no touch of mental or moral charm, exercising a relentless dominion of lust over the rich and proud, the stupid and the brilliant, the unsophisticated and the experienced, is a daring figment of the imagination, as much so as the witch that lured the companions of Ulysses to their swinish fate. The favorite plea of justification in the dry reality of the scenes portrayed has no basis in this story. M. Zola has been writing on a theory, and, in following it out, he has left fact behind him with the ancestors of Nana. His drunkards and washer-women were real. It was a part of his theory that the ignorance, the poverty, the vice, the crime, and the brutality of their existence were somehow imposed upon them by the constitution of society, and made up a fate for which better or more fortunate people were responsible. In the course of generations, out of this compost at the bottom of society, reeking with pollution, sprang this "golden fly," to carry infection up to the ranks of the rich, the intelligent, and the favored, and work the vengeance of the slums. The theory has a certain delusive plausibility, but its Nemesis is a creature of the fancy. As poetry, as ingenious fiction, it might pass; but its pretensions to reality are a sham, and the poor excuse of "realism" for unveiling the retreats of infamy can not be allowed to the Parisian scavenger.

But real or fanciful, fact or fiction, does not this delineation of the fatal attractions of the "strange woman" and the consequences of yielding to her wiles find justification in the revelation of danger and the warning to the unwary? Does it not beget abhorrence of what it depicts with so much power? Perhaps the Spartan father did well to exhibit before his son the awful example of the drunken helot; but, if he had sent the boy to pass his time with drunken helots and become familiar with their ways and habits, the result would hardly have justified the wisdom of the experiment. We unconsciously take on the character of our social sur-

roundings, and in the reading of fiction we subject our minds to the influences which its scenes are calculated to produce. The imagination works an inner experience whose effects upon tastes and sensibilities are not different in kind from those of the external experience of actual life. If there is any remedial influence in an acquaintance with lives of prostitution, how comes it that those who have cultivated that kind of acquaintance and obtained the knowledge which is so potent for defense are not the purest among men? Generally we find that the repulsiveness of vice loses its force upon those who come in close contact with it. The victims of Nana knew her character well enough; they knew her selfish prodigality, and the fatal consequence of dalliance with such as she; and they might even forecast her horrible fate and that of her victims. But this knowledge was no protection. Association with her did not beget repulsion; familiarity produced no warning, and those who cherished their ignorance of her world of tawdriness, of dissipation and excitement, were safest from its dangers. The man would be set down as reckless or a fool who should take his sons or his daughters through the purlieus of vice, and make them acquainted with dens of infamy and their inmates, on the pretense that what they should see and hear would protect them from the allurements of sin. The result would be only to deaden sensibility, to destroy delicacy, and to remove the wide barrier that keeps the steps of good intent from straying into ways of peril; and it makes no difference whether people are introduced to the retreats of harlotry in actual experience or in the vivid pages of the novelist, the moral effect is the same. The mystery is removed, and the vague sense of unknown dangers goes with it. This gilded realm with its sensuous attractions is opened to the mental ken, its characters are revealed, and its scenes laid bare with more or less of truth, and the familiarity which the reader acquires with its interior life seems to bring him into closer contact with it, and make an actual entrance an easy matter. Such a book, whatever its effect may be upon the thoughtful, is certainly not a warning to the unwary. It is no preacher of virtue, but a guide to debauchery.

On no ground, intellectual or moral, is the publication of this kind of literature to be justified, but it can not be prevented. Liberty has its penalties and its drawbacks, but it is too precious a boon to be easily placed in the power of official and officious meddlers. Zola's brain is at liberty to produce according to its nature, but the shame is, that thousands of decent people, people claiming the high-

est respectability and the purest taste, should take the foul brood of his incubation into their homes. To those for whom it has no novelty it is merely a new incitement to sensuality. To those for whom it brings a revelation it is contaminating, and opens to view a phase of life that had much better remain hid. And yet such are the freaks of what is called popular taste that this stuff has been tolerated as family reading. It has found its place on the drawing-room table, and served to divert the mind of fashionable piety after a lenten service. Critics have juggled with meaningless words until people have come near forgetting that indecency can not be changed by phrases nor immorality transformed by a cloak of sophistry.

"Zola will want a lower deep before long, I suppose: he will do well to leave his cellars for the drawing-rooms." Thus the profligate Russian prince to the deceitful Englishwoman in Ouida's "Moths," the chief rival on fashionable book-stalls of Zola's "Nana." But why should "Ouida" think of abdicating in her prime to the upstart Frenchman? Surely there is no profligacy in the drawing-rooms, or in the inmost closets of the houses of fashion, which she can have any delicacy about dealing with. Zola may as well keep to his cellars, while "Ouida," with feminine penetration for the hidden or the merely surmised, makes exploration of the apartments above stairs. Zola professes to describe the vice that dresses in its own garb and passes by its own name, and which is forced accordingly to keep within a domain of its own, out of the range of decent social life. "Ouida" spies about genteel society in search of vice disguised by rank, by wealth, by culture, or by fashion. It is a task for a woman, but it needs for its performance a woman of great cleverness and no special regard for virtue, real or assumed. "Ouida" is well qualified. She owes society a grudge, possibly because society, whatever secret guiltiness may lurk in its most pretentious walks, is not openly tolerant of a disregard of the canons of morality, whose outer bulwark is conventionality. With the private character or conduct of the woman known as "Ouida" we have nothing to do, but as a writer she shows the result of a peculiar training. It is evident that she has known nothing of home influence, and has no appreciation of the graces of character which it produces. She has no understanding of home relationships or of their value in the conservation of purity and health in human society, and she has no respect for them. A brilliant girl, dependent for her training on a father of irregular habits and no domestic life, brought up at watering-places and in visits to gay capitals, educated among the shows and shams

of life, and a stranger to domesticity of any sort, may develop into an entertaining writer, but can have no intimate knowledge of that which is sound and wholesome in the composition of human society. Disregarding the rules and restraints which experience has shown to be necessary for the protection of virtuous character, she is sure to be guilty of offenses of whose heinousness she has no appreciation, and the social penalty for which she regards as not only tyranny, but a hypocritical tyranny. She cherishes resentment against society, and is eager to revenge herself upon it. If she wields a keen pen, it is not difficult. What is called society, like the individual man and woman, or the human race as a whole, has its faults and vices. It is only necessary to seize upon these, and, with the coarse satire of caricature, to represent them as the essential elements of its character.

“Ouida” has a very bad opinion of the women of society. She considers them no better than that *demi-monde* which Zola has seen fit to describe for the edification of the prurient. “The streets absorb the girls of the poor,” she says; “society absorbs the daughters of the rich; and not seldom one form of prostitution, like the other, keeps its captives ‘bound in the dungeon of their own corruption.’” She has put her opinion of society women into a wordy formula, which she is so taken with that she repeats it with slight variation of phrases at an interval of one hundred and fifty pages in her story. The earlier version is this: “Useless as butterflies, corroding as moths, untrue even to lovers and friends, because incapable of understanding any truth; caring only for physical comfort and mental intoxication; kissing like Judas, and denying in danger like Peter; tired of living, yet afraid of dying; believing, some in priests and some in physiologists, but none at all in virtue; sent to sleep by chlorodine, and kept awake by raw meat and dry wines; cynical at twenty and exhausted at thirty, and yet choosing rather to drop in the harness of pleasure than fall out of the chariot-race for an instant; taking their passions as they take sherry in the morning and bitters before dinner; pricking their sated senses with the spice of lust or jealousy, and calling the unholy fever love; having outworn every form of excitement except the gambler’s, which never palls, which they will still pursue when they shall have not a real tooth in their mouths or a real hair on their heads—the women of modern society are perhaps at once the most feverish and the most frivolous, the basest and the feeblest offspring of a false civilization.” Her opinion of men is no higher, though she is not

moved to formulate it in the same ferocious spirit, and her philosophy of marriage is drawn from her opinion of the unfortunate sexes of humanity. She represents her Russian prince, who is the incarnation of the masculine vice and brutality of society, as thinking, "as men do every hour and every century, why it was that the pure woman wearies and palls, the impure strengthens her chains with every night that falls. It is a terrible truth, but it is a truth," adds the author on her own account.

The works of "Ouida" are charged with offending against propriety. She professes to regard them simply as giving truthful pictures of human society as it exists to-day. If this were so, we might well despair of the human race, and anticipate an impending doomsday which should sweep the corrupt fabric away as the last failure of a disgusted Creator. In her pages, men are swayed by the passions of their lower nature, and women are not merely their weak and willing victims but their artful and ready seducers. A faithful husband is a thing to be laughed at; a faithful wife, a creature who foolishly mopes and suffers when she might gayly avenge. Marriage is a bondage of the law, fatal to love, and hence to fidelity, and the cover of intrigue and iniquity. Society is false and corrupt, and knows it, but protects itself from collapse by a common consent to pretend that it is otherwise, until some fool rebels and makes a scandal. Then the fool must be suppressed, the victim of exposure ostracized, and the shallow comedy is resumed. Husbands have mistresses as a matter of course, and wives have their lovers. Why should they not, as love disappears after the honeymoon, and they would otherwise be unendurable to each other? Each knows the other's sins, but pretends to be blind, and so avoids disturbing the serenity of fashionable hypocrisy.

This is human society according to "Ouida"; society itself takes the gross libel without resentment, and "Ouida" is one of the most popular writers of the day. There is no doubt that Zola in his cellars finds a world of reality, full of sinks of pollution and infested with foul vermin. Men go down into it for gross revelry and dark debauchery, and emerge moral and physical wrecks. Its crawling and infectious creatures, in the gaudy colors that putrescence often begets, make their way to the light and fasten upon their victims at every chance. But the glare which the clever French *feuilletoniste* turns upon the underground world is garish and delusive. In the ranks of respectable society the baser passions of mankind break out in secret or open revolt against the restraints

of moral duty or social decency, and "Ouida" has human fact to deal with. But is this the substance of society, even of the showy and frivolous kind over which Fashion reigns? Pampered princes may be monsters of iniquity, and be tolerated because of their rank or wealth. The sins of the rich and powerful may be too easily condoned, and the weaknesses of women of influential families may be covered with a veil that nobody cares to tear away; but is society made up of such, and is this caricature to be taken as a truthful picture, even in the gay capitals of Europe or the resorts of fashionable diversion? A cynical Frenchman or a much-traveled adventuress of no nationality may gain admission to the ranks of literature with elaborately garnished stories from the slums and bagnios or from the scandals of the divorce courts, but Anglo-Saxon readers at least should shut the vile rubbish from their libraries. Anglo-Saxon ideas of society and of human life are not those of Zola and "Ouida." With that race the sensual was never uppermost even in its rudest days, when brutality of the roughest sort might be laid to its charge. It believes in the purity of woman, the fidelity of man, the sanctity of home and the family, and the possibility of a society in which the passions are controlled by a sense of duty and of right. With them the love of man and woman is not an animal appetite to be sated and then to give place to indifference or aversion. It is a holy sentiment on which lifelong companionship and helpfulness are to be based, and from which spring the sweet influences of domestic life and the graces of personal virtue and integrity. The Anglo-Saxon mind is not tolerant of infidelity or profligate practices cloaked by social pretensions, nor does it find entertainment in the garbage of the slums and the orts of unseemly households. It regards society as made up of families, in which decency is held in esteem, where the rose remains on the fair forehead of an innocent love and is not displaced by a blister, and where marriage vows are not rated with dicers' oaths. Society has in it healthful currents and the substance of a sound constitution.

English literature from its beginning has truthfully reflected the social life, the character, and the manners of the people whose blood is English, and there is nothing of which we have more right to be proud than the steady purification of the stream. The coarseness of some of the early poets and dramatists may have been "realistic," but it puts their works on neglected shelves in these days of purer manners. The first novels were so much given to

accounts of disreputable intrigue, and so infected with the baser qualities of human nature, that, for a long time, all novels were under a Puritanic ban not wholly without provocation. The drama of the time when "*Astræa*" loosely trod the stage has gone out, and fiction of the school of Fielding and Smollett has passed from life into history. Latterly we have had in English novels many inspiring and purifying pictures of home-life and the fairer aspects of society. Their lessons have been wholesome and their influence ennobling. They have taught us the comeliness and attraction of virtue, the beauty of honor, and the happiness that comes from noble living. In them fathers are respectable, mothers thoughtful and pure-minded, and sons and daughters have their steps directed by some loftier purpose than the gratification of the impulses that come from the animal nature. English fiction has been a powerful agency of reform and purification.

Upon this fair domain of our literature these foreign purveyors of infection—for "*Ouida*" has no claim to the title of English-woman—are permitted to intrude. They turn the gutters into our wholesome gardens and cast the uncleanness of the divorce court about our hearthstones. The rubbish which, in flaring pictorial weeklies, is excluded from respectable kitchens, is elaborated and embellished in gilt bindings and admitted to the parlor-table. It is the last tricklings of that ribald literature which has run through history in a happily decreasing current from the old times when human passion was deified and the rule of the senses was hardly resisted. It is the legacy of Sodom and Gomorrah to subsequent generations, the heritage that besotted Rome left to the nationalities that drew blood from her bloated carcass. To the Anglo-Saxon mind and heart it is or ought to be an offense and an insult.

Condemnation is not to be pronounced upon the authors of this sort of fiction more than on its readers. The writers have their gifts, and use them according to their nature. They are the scavengers and scandal-mongers of society, who will exist so long as they are paid and encouraged. They can not be silenced or suppressed; but it is a sorry indication when their books are in demand at the circulating libraries and the fashionable shops for literary pabulum in English and American cities. Their presence in drawing-rooms shows that the old infection still asserts itself in the appetite—taste it can not be called—which craves a stimulant for passion, and is tormented with prurient longings. It is the same spirit that leads to the secret traffic in the merely libidinous in litera-

ture and art, the same that prompts the collecting of old indecencies at fancy prices under the pretense of "rare and curious," the same that promotes the gross sensuality that Zola pictures, and the yieldings to lust in which "Ouida" revels. The old Adam in the blood of the race, that besets its course with vice and lapses from integrity, is that which finds satisfaction in the perusal of literature wrought from the material of its sin and weakness. Pruriency and that alone is gratified, and at the same time excited and intensified, by this kind of reading. Pure taste and virtuous inclination find nothing congenial in it, and respectable drawing-rooms should as sternly close their doors against it as they would against the characters that pervade it.

A. K. FISKE.

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RUINED CITIES OF CENTRAL AMERICA.

WE have always thought it strange that, while the sources of the Nile or the exact topography of the north or south pole has excited wide and unwearied interest, the past of an American race which has left imperishable monuments of its vigor should, even among ourselves, have been viewed with comparative indifference. The story of the Spanish rule in America is familiarly known to all men. Even in England every schoolboy knows who imprisoned Montezuma and who strangled Atahualpa. But how many Americans of our day have any adequate conception of the stately edifices of monumental Mitla, or of Palenque, with its magnificent palace, its terraces and temples, its pyramids and sculptured ornaments? How many, indeed, have any knowledge whatever of the innumerable splendid relics which, having defied the havoc of time, still crowd the entire nucleus of New Spain, and speak to us so eloquently of a noble culture, reaching back far beyond the conquest. Yet it might have been expected that every American who takes an interest in the history of this continent, or even in the history of the human race, would be curious to know who reared the stately structures which, in importance, far surpass any found in the land of Montezuma. More, no doubt, would be known to us of a territory so full of interest and so close at hand, but for the untimely end of the distinguished traveler John L. Stephens, the lax manner in which the work has been since conducted, and the consequent

ebb in popular interest. It would, however, be unjust to criticise with severity a work which demands more ample means and support than have hitherto been accorded to any of the numerous individuals who have purposed the exploration of these mysterious regions. But we are happy that it should now be in our power to signalize the departure of an expedition to Central America which it is hoped will, through the united efforts of a munificent gentleman and two powerful governments, not only win the good will and support of the local authorities, but also have at its disposal the necessary funds for the proper conduct of such an enterprise.

The expedition will have for its object a systematic investigation of the so-called "ruined cities" and other remains of ancient civilization in Central America and Mexico. It is dispatched under the joint auspices of the Governments of the United States and France. The expense will be jointly defrayed by Mr. Pierre Lorillard, of New York, the original promoter of the undertaking, and by the French Government. The expedition is under the charge of M. Désiré Charnay. It is thoroughly equipped, and comprises an efficient staff. The means are provided not only of photographing bas-reliefs and hieroglyphic inscriptions, but of making careful casts of them by the process of M. Lotin de Laval. Copies of these casts will first be presented to the Smithsonian Institution at Washington, and to the French Government—the latter collection to be permanently preserved in the Trocadéro of Paris. The collection and preservation of these casts will be one of the most distinctive and valuable features of the present enterprise, offering, as they will, to students of all countries, an ample field for investigation, and possibly the materials requisite for a solution of the linguistic problem. The exploring party will visit Mount Alban, Mitla, Palenque, and other great centers of ancient civilization. Its route will lie through Oaxaca, Tehuantepec, and Guatemala, terminating in the peninsula of Yucatan, where the ground is to a great extent fresh. Among the untamable Mayas and other warlike tribes where it is only possible to travel safely in armed force, the party will be able to secure a guard one hundred strong. From an expedition which is favored by such varied advantages, it is hardly unreasonable to expect many valuable and interesting accessions to our knowledge of the ancient and contemporary races of Central America.

Although the idea of equipping such an expedition has for many years been entertained by Mr. Lorillard, yet not only was

its execution originated independently on both sides of the Atlantic—both in France and in America—but two similar though separate enterprises were actually, as often happens, taking form simultaneously. Indeed, it was only while actively engaged in organizing the American party that the present writer became aware of the existence of “another Richmond in the field,” and it augurs well for the success of the undertaking that he encountered no serious difficulty in reconciling and amalgamating what would otherwise have developed into two rival schemes.

As now constituted, the mission bears an international character, though, in fairness to France, we must state that the predominance of American interests has been fully recognized by her. She has gracefully recognized the conspicuous generosity of Mr. Lorillard by permanently associating his name with the proposed collection at Paris; and, among other privileges accorded to America, we may be excused for referring to an official letter of agreement by which the French Minister concedes to us the privilege of laying before the readers of this “Review” the earliest accounts from the pen of the explorer, as he at brief intervals reports the progress of the expedition.

While, however, the scheme has thus in a limited sense a peculiar relation to the United States, it has an equal interest and value for the curious in all parts of the world. The vexed question of origin attracts at once the philosopher and the ethnologist, the theologian and the Darwinian. The historian sees looming through the mist of tradition and pictured hieroglyphics the life of powerful nations. The artist or architect stands mute before the sculptured evidence of marvelous skill and taste, of grand powers of architectural design and engineering resource, in a race of semi-barbarians. And all marvel how nations which have left such noble proofs of their vigor, and which, without the immediate directing influence of any foreign civilization, passed through every stage of social economy, from that of tribal savagery to a golden age of culture and wealth, should have finally perished and vanished utterly from the world’s knowledge as though by enchantment. It is not astonishing that the only memorials of their existence—the only links connecting them with the human family—should exercise a strange moral influence. We believe M. Charnay, the chief of the present expedition, to be thoroughly imbued with the spirit in which alone this subject should be approached. His achievements, as a practical *Americanist*, are already known to the world of science. He brings

to his task the experience and reflection so rare, and, in the present instance, so essential to success. Apart from the intimate knowledge of Mexico which he has gained during two previous journeys, he has also traveled widely in the East and in Australasia, and has made a special and comparative study of Javanese antiquities. M. Charnay is the author of two works relating to Mexico—one an entertaining book of travel, the other a singularly valuable contribution on the subject of the antiquities. In the authorship of the latter work, "*Cités et Ruines Américaines*" (Paris, 1863), he was associated with the famous architect, M. Viollet-le-Duc. It is especially remarkable for its great folio album of magnificent photographs. In a traveler of such experience and observation we have every hope that the expedition will possess, what is so vital to its success, an able, enthusiastic, and responsible leader.

Whatever may have been the other causes which combined to prevent any systematic explorations of the present nature, the principal one may no doubt be found in the isolated position of the country and its distance from the world's great thoroughfares. It is curious to observe to what an extent we owe what little knowledge we possess, even of the antiquities, to men who were first attracted to the spot by schemes for the formation of new commercial highways. At the time of the conquest another and most potent reason against systematic exploration lay in the wealthy and alluring kingdom of the neighboring Aztecs, and hither flocked the restless and intrepid spirits of Castile to luxuriate amid the delights of a New World, and to return after a few years laden with the treasures of America.

It is difficult, if not impossible, to conceive the shock which must have been produced on the Continent of Europe by the discovery of America. All the marvels of Eastern fable pale before the vision of a New World emerging like a mirage from the Western seas, peopled by strange races, glorious in the richness of its tropical vegetation, its forests teeming with curious animal forms, its mines reputed to contain inexhaustible stores of gold and gems. The bounds of human empire had suddenly been widened, and the world's compass was increased by an unknown quantity. Soon the American dependencies of the Castilian crown alone embraced a territory almost as large as Europe. From the equator northward and southward, far into the temperate zone, Spanish rule was extended. Thence came gold and silver to be coined in all the mints and curiously wrought in all the jewelers' shops of Europe and

Asia. Soon the cultivation of indigenous and exotic plants, with the enforced labor of slaves, was found to be not an inferior source of wealth, and from the Spanish dominions in America were exported tobacco, chocolate, indigo, sugar, coffee ; nor in this enumeration of their sources of wealth must we omit their exports of hides, cochineal, and quinquina.

Truly this was a land of milk and honey, where, if one would believe some of the chroniclers of the day, the buildings were more sumptuous than the palace of Aladdin, and the very fountains more wonderful than the golden water of Parizade. The lust of gold was the supreme passion of all classes, and, while all efforts were bent on the spoliation and oppression of an ingenious and diligent population, men's minds were turned aside from any serious attention to the relics of a race that had already flourished and decayed. Small wonder, indeed, that the Spanish Viceroy, who, leaving behind him the curses of Mexico, entered Madrid with a long train of gilded coaches and of sumpter-horses, trapped and shod with silver, spared himself the pains of such laborious inquiries. But, although we hear of no investigations on the spot, the New World offered to the thinkers of the day no small field for speculation, and, where knowledge failed, fancy was substituted—to what purpose can best be understood after a perusal of Mr. Bancroft's learned chapter on this subject in his "*Native Races of the Pacific States*." For illustrations of the spirit in which the problems of the New World were discussed, we need not seek beyond the pages of that great work.

Of the innumerable questions to which the discovery of America gave rise, the most difficult to answer, perhaps, was that regarding the origin of the newly discovered races. Not so thought the theologian, who was content to look upon the aborigines as straggling members of the Hebrew stock, whose ancestors had found their way thither—it did not much matter how—from the primal abode of man in Asia Minor. He saw in the discovery only another evidence of the truth of Holy Writ. Were not these Indians the lost tribes of Israel? In this easy manner was the question settled, then ; but in later times it has again cropped up, to receive answers as diverse as as they are often ridiculous. The theory of an Asiatic immigration obviously was suggested by a certain resemblance between the products of plastic art on the opposite shores of the Pacific, and by the close proximity in the north of the two continents. But, as Friedrich Müller and others have pointed out, the supposed influence of Asia must have shown itself conspicuously in matters of every-day

life—in the simpler industries, in a knowledge of materials, in the common possession of various plants and animals. But in all these circumstances the respective civilizations of America and of China and Japan are wholly different. If, however, the theory of an Asiatic immigration across the Pacific is to be put aside as untenable, what can be said in favor of the theories which connect the red-man with the Mongolian or Samoyed, the Cymric or Gallic Celts, the Polynesian or the Iberian Basque?

The study of language has led to some singular misconceptions. The famous Abbé Brasseur de Bourbourg, a profound but eccentric student of American antiquities, discovered what he thought unmistakable affinities between the Maya and Quiche languages and Greek, Latin, French, English, German, and other languages. These languages, indeed, he regards as derivatives from the Maya-Quiche. But to understand this topsy-turvy doctrine presupposes a knowledge of the Abbé's origin theory. At first his belief was that civilization began in the Occident instead of in the Orient, as has always been supposed. In support of this opinion he cited as his principal authority a Nahuatl manuscript, which he entitles "*Codex Chimalpopoca*," and which purports to be a history of the kingdoms of Calhuacan and Mexico. Subsequently, however, he sacrificed the theory over which he had spent so much time and labor. The *Codex* began to have for him a new meaning. In an allegorical sense it referred to the mighty cataclysm which submerged the cradle of civilization. From this time Brasseur became a convert to the Atlantis theory, believing that the American Continent originally occupied the Gulf of Mexico and Caribbean Sea, extending so far across the Atlantic as to have possibly included the Canaries. But at a remote period this continent was engulfed by a tremendous convulsion of nature. The continuity of the Americas was destroyed by the submersion which included in its area Yucatan, Honduras, and Guatemala. A subsequent upheaval of the continent was, however, sufficient to restore this portion of the surface. Such is an outline of Brasseur's theory; and, entirely apart from his wild conjectures and still wilder arguments, it is worthy of observation that science has in recent times gone to show that a vast extent of dry land formerly existed between America and Europe. The judgment passed by Mr. Bancroft on the Abbé's speculations is eminently just; he says that, in perusing Brasseur's "*Quatre Lettres*," the reader is "continually harassed by long, rambling digressions—literary no-thoroughfares, as it

were—into which he is beguiled in the hope of coming out somewhere, only to find himself more hopelessly lost than ever ; for any mythological evidence the Pantheons of Phœnicia, Egypt, Hindostan, Greece, and Rome are probed to their most obscure depths ; comparative philology is as accommodating to the theorist as ever, which is saying a great deal ; the opinions of geologists, who never dreamed of an Atlantis theory, are quoted to show that the American Continent formerly extended into the Atlantic in the manner supposed.” It is certainly wise, even were Brasseur’s original documents obtainable and intelligible, to reject his “double meaning” as an hallucination, and to regard his first rendering of the Codex as more reliable, if indeed any reliance can be placed upon his labors.

The earlier theories furnish many instances of ingenious hypotheses and *naïve* credulity. To those whose sole desire was to make the history of man in America conform to revelation, Noah’s ark presented itself as a convenient *deus ex machina*. Lescarbot fails to see why Noah should have experienced any difficulty in reaching America, when—his reason is remarkable—“Solomon’s ships made voyages lasting three years.” Another opinion is, that the sons of Noah reached America by land ; while Orrio, in order to show that one human pair was equal to the task of populating the Old World and the New, assures us that “one woman can in two hundred and ten years become the ancestor of one million six hundred and forty-seven thousand and eighty-six persons.” In support of a derivation from Noah, we are constantly referred to the tradition of a foreign origin and the native flood-myths. According to Lord Kingsborough, who is a willing believer in Scriptural analogies, the Mexican tradition of the deluge bears “unequivocal marks of having been derived from a Hebrew source.” But there is little reason to doubt that such of these traditions as are not wholly spurious are in the most essential parts “improved” by the Spanish chroniclers and priests, who were not unaccustomed to draw upon their imaginations for their facts. As a sequel to the flood-myths we come upon traditions of the building of a tower of refuge, and this has led some writers to identify the Americans with certain of the builders of Babel, who were scattered over the earth after the confusion of tongues. Indeed, there is no limit to the fancy of the chroniclers. Fuerites, the chronicler of Guatemala, gives an interesting account of the fabled descent of the Toltecs—the builders of many of the finest structures of Central America—from

the house of Israel. These amusing stories and speculations have their counterpart in the more or less frivolous theories which are put forward in later times without the excuse of being warped by a religious purpose. The Celtic theory is supported upon characteristic grounds. It is based upon the idea that our old friend the Welsh prince Madoc, son of Owen Gwynedd, established his colony in Mexico, and the proof of this startling assertion is threefold. "First, the Mexicans believed that their ancestors came from a beautiful country afar off, inhabited by white people; secondly, they adored the cross; and, thirdly, several Welsh names are found in Mexico." In further corroboration various stories are told which are supposed to point to existing traces of the Welsh colony. A story of this kind, appearing in the "Gentleman's Magazine" for 1740, is told by the Rev. Morgan Jones, and illustrates the heavy drafts that have so frequently been made on public credulity. Along with five companions, the reverend gentleman was taken prisoner by the Tuscarora tribe. Being about to be killed, his life was saved by the accident of a soliloquy in his native tongue. The Indians were able to converse freely in Welsh, and Mr. Jones remained among them for four months, and "did preach to them in the same language three times a week." Again, in 1801, a certain Lieutenant Roberts met an Indian chief at Washington who spoke Welsh as fluently "as if he had been born and brought up in the vicinity of Snowdon." This Indian said this was the language spoken by his tribe, the Asguaws, who preserved the tradition of an origin from beyond sea, and conformed to a law which forbade the acquisition by their children of any other speech till after twelve years of age. Several instances of a similar character are cited in support of the pretensions of the Scotch and Irish to be the progenitors of the Americans, and all one can say is that these claims are just as strong as those, for instance, of the Hellenes and Pelasgians.

But all these theories of the origin of the American races from an Israelitish stock, or from a Kymric or a Gaelic, may be safely dismissed as the fruits of misguided enthusiasm and perverted ingenuity. There remain, then, three hypotheses, each of which has its strenuous advocates, namely: First, that the American races are *autochthonic*, and this was held by Agassiz, in accordance with his doctrine of multiple centers of creation; second, that they are of one blood with the races inhabiting the Eastern Continent, from whom they were separated by the subsidence of the intervening

land ; third, that they represent a migration from Asia *via* Behring Strait or across the Pacific in lower latitudes. Either of the first two hypotheses, could it be proved, would harmonize many apparently conflicting circumstances connected with Mexican civilization. At the same time it would give to that civilization the peculiar interest which must attach to an independent development, presenting a curious and suggestive parallel to that with which we are familiar. True, there are striking resemblances between the architectural styles of America and of several Old World countries, and slight, but seemingly real, though in fact fortuitous, points of affinity in language, while a consensus of traditions shows an aboriginal knowledge of certain countries beyond the sea inhabited by "white-faces." But this is not overwhelming evidence against either the Atlantis or the *autochthonic* theory, and is as nothing indeed compared with the proof that can be adduced against any of the other theories. On the other hand, as has been suggested, the strangeness of the implied connection between the Old World and the New disappears if we admit the possibility—no very unlikely contingency—of stray vessels having found their way at various times to these distant shores. To this slight admixture of foreign elements we might not unreasonably attribute certain striking points of identity existing between the artistic forms of the Eastern and the Western Continent, and which could hardly have had a separate origin in both. They are but few in number, and chief among them are to be named the sphinx-like statues at the base of the pyramid at Izamal, and the representation, on pottery, of elephants equipped for war purposes.

It is difficult to say whether we may expect much new light to be thrown on this phase of the subject from future investigation ; but we can rest assured that a nearer approach will be made to the truth on the acquisition of fuller and clearer knowledge. Until comparatively recent years, in the absence of any well-authenticated account of the remains of Mexican civilization, there was a disposition to regard as apocryphal the glowing descriptions of Cortes and the Spanish chroniclers. Dr. Robertson, the historian, lays it down "as a certain principle that America was not peopled by any nation of the ancient world which had made considerable progress in civilization." In other words, the civilization of America began with the Spanish conquest ! In saying this, Dr. Robinson is only repeating the commonly accepted opinion of his time ; and it may be pleaded in excuse of such an opinion that the ruined monuments of

Central America, which impress us so vividly as the signs of a by-gone prosperity and civilization, were then unknown. The extent and power of that civilization we have had some means of estimating, but no satisfactory conclusion has yet been arrived at regarding its age. It is remarked by Mr. Hubert H. Bancroft that "the tendency of modern research is to prove the great antiquity of American civilization as well as of the American people ; and, if either was drawn from a foreign source, it was at a time probably so remote as to antedate all Old World culture now existing, and to prevent any light being thrown on the offspring by a study of the parent stock." This is a curious commentary on the "certain principle" of the distinguished author of "The History of America." Yet there are many, again, who would join issue with Mr. Bancroft on the vexed questions he so ably raises, and on which we have so many and diverse opinions recorded by explorers within the past century. It is, indeed, only within this recent period that we hear of any notable efforts to elucidate the subject of the antiquities. The existence of some of the more important ruins was first discovered in 1750, when a party of Spaniards, traveling in Chiapas, stumbled upon the so-called Casas de Piedras, subsequently named Palenque, after the neighboring village. It was not till 1786 that the King of Spain dispatched the expedition of which Captain Del Rio took charge. To Rio's report was added a commentary by Dr. Paul Felix, in which the people were derived from the Egyptians. This document, after being neglected or withheld by the Government, fell into English hands after the revolution, and an English version was published in 1822. This, the first account of the antiquities given to Europe, failed to awaken public interest, partly, no doubt, because the whole narrative was too novel and startling, too full of gorgeous and vivid tints, to be at once accepted with general credence. Meantime Charles IV of Spain had sent out another expedition, under Captain Dupaix, who was aided by a secretary, a draughtsman, and a detachment of dragoons. The expedition lasted over three seasons, from 1805 to 1807. The drawings and MSS. went out of sight at the time of the revolution, and, some time after, were almost accidentally discovered in the Cabinet of Natural History in Mexico. Twenty-eight years after the date of the expedition, in 1834-'35, Dupaix's work saw the light in the shape of four costly volumes. Then followed Lord Kingsborough's still more expensive work, which, as regards its material, is little more than a rehash of Dupaix, and in respect of its opinions is a storehouse of analogies

in support of the Hebrew theory. Colonel Galendo was the only other practical investigator in the field up to the time of Waldeck's expedition, which lasted over two years, and the funds for which were provided by an association in Mexico. All previous work, however, was far surpassed in excellence by that of Stephens and Catherwood, the accurate, lively narrative of the former being in every way worthy of the remarkable drawings of the latter. During their two visits to the country, they accomplished, by their individual efforts, infinitely more than any of the previous expeditions, bringing to our knowledge upward of forty ruined cities, besides making the most painstaking examination of Copan, Quiche, Palenque, and Uxmal. The region embracing Yucatan, Guatemala, and Nicaragua has also been ably treated by Mr. E. G. Squier, and in the same territory, at Uxmal and Chichen Itza, Waldeck has been carefully supplemented by the labors of M. Désiré Charnay. In our own time we find the number both of theoretical and practical workers increased so largely that we can do no more than name a few such, as Dr. Scherzer, Dr. Boyle, Rosny, Dr. Bernonitti, Stephens Salisbury, Jr., and Larrouza, whose important work in five volumes was published in Mexico, 1875-'79. Last, but of the first importance, we will name Mr. Hubert H. Bancroft's careful work, which is an admirable cyclopædia of the whole subject.

One of the distinctive features of Mexican architecture is the pyramidal form of the buildings or their substructures. On this account, chiefly, an attempt has been made to trace a connection between America and Egypt, in civilization if not in race ; but, as Fergusson points out, the two kinds of pyramids are widely different. The towering structure of Mexico, as a matter of fact, is not a pyramid at all in the conventional sense. It is distinguished by the fact that it almost invariably forms the basis of some superstructure. It is, indeed, little more than an arrangement of gradually diminishing terraces ; where this is not the case the pyramid is a truncated mound, intended, it is generally thought, as a place of sacrifice. Most of the ruined towns have such mounds, but the great pyramid at Izamal is peculiar in consisting of two pyramidal piles of masonry, one on the top of the other, the base of the whole measuring no less than eight hundred and twenty feet on each side, and the first platform six hundred and fifty feet. The pyramidal form is also finely seen in the Casa del Gobernador at Uxmal, which is described as, of all the structures of the kind, the most stately in form and proportions. Here three successive terraces form the

base which holds aloft the grand ornate building, and add to its look of spacious magnificence. The sculptured ornament at Uxmal is of a special character. It resembles arabesque in its general appearance, but is richly diversified, the parts being wrought into a sort of "sculptured mosaic," having possibly a symbolical meaning. According to Stephens, the carved work is equal to the finest of the Egyptian. It would be impossible, he says, with the best instruments of modern times, to cut stone more perfectly. And yet, as far as is known, the ancient sculptor was ignorant of the existence of iron, and had to rely in the formation of his tools upon chert or flint. Add to this the difficulty of quarrying large masses of stone, conveying them long distances through a rough country, and of raising them to great altitudes, and the construction of these vast edifices seems truly marvelous. But it is not our present intention to discuss at length the subject of Mexican civilization, aware as we are that matters of the greatest interest would arrest the attention at every step. We must leave the antiquities to the future consideration of M. Charnay.

Yet, for the benefit of readers who may be unacquainted with the results of antiquarian research in Yucatan and the neighboring states of Mexico and Central America, we will venture upon a rapid sketch of the ruins of Uxmal, and also note a few of the principal objects of interest to be found at Palenque.

The site of Uxmal is in the northwestern portion of Yucatan, about latitude $20^{\circ} 25'$ north, and longitude $89^{\circ} 45'$ west. It is as yet impossible to determine with any approach to certainty the ends which its ruined edifices were designed to serve, but it is at least highly probable that they were originally palaces, temples, council-halls, and courts of justice; possibly some of them may even have been monasteries or community-houses in which the ascetics of a religion analogous to that of Buddha lived in common. But this is a problem which can be solved, if at all, only by a thorough exploration of the fast-crumbling ruins, and patient discussion of the results by competent archaeologists.

The buildings at Uxmal have received from the people names supposed to express the character of their original occupancy. Thus we have the House of the Governor, that of the Nuns, that of the Dwarf, and so forth. Or they bear names founded on some peculiarity of their ornamentation or architecture, as the "House of the Old Woman," so called on account of a stone figure of an old woman found on the ground in front of it; or the "House of

the Pigeons," the meaning of which is explained below. The Governor's House (*Casa del Gobernador*) is thirty feet in height, has a frontage of three hundred and twenty-two feet, with a depth of thirty-nine feet, and stands upon three great terraces. It is built entirely of stone. Below the cornice, which extends around the entire building, the front, rear, and lateral elevations are plain; but all above "is one solid mass of rich, complicated, and elaborately sculptured ornaments forming a sort of arabesque." In the front are eleven doorways reaching nearly to the cornice, each surmounted with imposing decorations, but the central doorway is distinguished from all the others by the elaborateness of its ornamentation, as also by the fact that above it are sculptured characters evidently hieroglyphic.

The rear elevation has no doorways, windows, or openings of any kind. The ornamentation above the cornice is less elaborate than on the front. The two ends also are less ornate, but each has one doorway. The roof is flat, and was originally covered with cement; it is now overgrown with a luxuriant vegetation.

The internal plan of all the buildings is essentially the same; that of the *Casa del Gobernador* is as follows: First, a wall extending from end to end divides the interior into two narrow halls, which are again subdivided by walls, running from front to rear, into a number of separate chambers. Each front chamber communicates with the one back of it, by a doorway through the central wall. The three terraces on which this great building rests are of artificial construction, and were supported by substantial walls of stone. The lowest terrace is three feet high, fifteen feet broad, and five hundred and seventy-five feet long; the second twenty feet high, two hundred and fifty feet wide, and five hundred and forty feet in length; the third, nineteen feet high, thirty feet broad, and three hundred and sixty feet in length.

On the platform of the second terrace is another remarkable building, the *Casa de las Tortugas*, or House of the Turtles, so called on account of the row of tortoises sculptured on the cornice. It is ninety-four feet in front and thirty-four feet deep. Like the principal building of its group, its exterior decoration is restricted to the portion above the cornice, but it differs from the *Casa del Gobernador* in that its ornamentation is extremely chaste and simple. This striking monument of the architectural genius of a vanished people is unfortunately little better now than a mass of ruins.

At no great distance from the House of the Turtles stand two

buildings, each one hundred and twenty-eight feet long and thirty feet deep, each apparently the counterpart of the other, and facing one another, with an interval between them of seventy feet. The sides by which they confront each other are ornamented with sculpture, and each appears to have been surrounded by a colossal serpent in stone. In the center of both is seen, set in the façade, a fragment of a great stone ring, four feet in diameter. There are no openings whatever in the walls, whether doorways or windows. Stephens had a breach made in the wall of one of these structures, to the depth of over eight feet, and found only rough stones loosely thrown together, but no chamber. What possible use could these curious buildings have served?

Like the Casa del Gobernador, the Casa de las Monjas, the Nuns' House, stands on three terraces. It is quadrangular, with a courtyard in the center. The front, which is two hundred and seventy-nine feet long, is ornamented above the cornice with sculptures no less elaborate than those of the Governor's House. In the middle is a wide doorway and passage leading to the courtyard, and on each side are four doorways affording entrance to as many separate apartments. There are no exterior doorways in the other three buildings of the Casa de las Monjas. The four façades overlooking the courtyard present the most elaborate specimens of the sculptor's art anywhere to be seen in Uxmal. The four buildings constituting this quadrangle are divided into chambers by longitudinal and transverse walls, as in the Casa del Gobernador, except that in the front building there is no communication between the front and the rear row of chambers. One of these buildings incloses a smaller and older one, the latter being, presumably, like the "Holy House of Loretto," a house made venerable in the eyes of the devout by some miraculous event.

The House of the Dwarf stands on the summit of an artificial elevation eighty-eight feet in height, and incased in stone. Some sixty feet up the face of this mound, on a projecting platform, stands a building divided into two chambers. Its front is the most elaborately ornamented of any building in Uxmal, and is made to represent some dread semi-human monster. The wide doorway is the mouth; the lintel is carved to represent teeth; above are the eyes still perfectly distinct, though the nose has disappeared by the ravages of time. The crowning structure, the House of the Dwarf, is seventy-two feet in front and only twelve feet deep. The ornamentation is extremely chaste. The three chambers into which the

interior is divided have no communication with each other. Stephens holds it to be "beyond doubt" that the House of the Dwarf was a great temple of idols, in which human sacrifices were once offered.

The building known as Casa de Palomas, or House of the Pigeons, is two hundred and forty feet long. It is in a very dilapidated condition. How it got its name is best explained in the words of Stephens: "Along the center of the roof," says he, "running longitudinally, is a range of structures built in a pyramidal form, like the fronts of some of the old Dutch houses that still remain among us, but grander and more massive. These are nine in number, built of stone, about three feet thick, and have small oblong openings through them. These openings give them somewhat the appearance of pigeon-houses, and from this the name of the building is derived." Through a wide doorway in the middle of this building there is a passage into a courtyard, bounded on the right and left by ruined buildings. At the lower end of the court is a range of buildings in ruins which have also a passage through the middle, opening into a second courtyard, with a *teocalli* or House of God, about fifty feet high, at the opposite end. Like the House of the Dwarf, the building on this *teocalli* is divided into three apartments.

Such are the principal edifices still to be seen in ruins at Uxmal. But Uxmal is only one among many places—*primus inter pares*—in Yucatan, where these interesting monuments of antiquity are to be found. The remains of Palenque are still more imposing than those of Uxmal, while for the artist and the antiquarian they possess an interest that can hardly be exaggerated. To say nothing of the six noble buildings themselves which remain, known as the palace and casas No. 1, No. 2, No. 3, No. 4, and No. 5, and which exhibit a bolder architectural genius than we see at Uxmal, though no new architectural principle is introduced, the specimens of plastic art, the spirited bas-reliefs, and the numerous hieroglyphic tablets with which these buildings are decorated within and without, suffice to insure for Palenque preëminent rank among these ancient American cities.

Palenque is situated in the Mexican State of Chiapas, latitude 17° 30' north, longitude 92° 25' west. If a circle were described so as to inclose all the ruins, its area, according to Stephens, would not exceed that of the Battery Park in New York—a very inconsiderable area for a "city." But it might have once occupied a far greater area. Being solidly constructed of stone laid in mor-

tar, these buildings which remain could for generations withstand the elements, while the frail tenements of the lower classes, and even the houses of the upper class, would disappear and leave no sign. The tropical forest in its irresistible advance has, as it were, trampled into the earth the hovels of the poor and the mansions of the rich ; it is only a question of time when the palaces of the kings and the shrines of the gods will succumb to the same fate.

Of the six Palenque buildings we can notice only one, the Palace. Even of that, room is wanting here for a detailed description ; and of its numerous courts, chambers, and corridors we can particularize only one or two. This "palace," as it has been justly called, for it was in every respect a fit abode for the ruler of the state, is a one-storied structure twenty-five feet high, two hundred and eighty-four feet front, and one hundred and eighty feet deep. It stands upon a pyramidal elevation forty feet high, three hundred and ten feet front and rear, and two hundred and sixty feet on each side. This mound was originally faced with stone on all sides, and doubtless had stone steps, but the stones have long since fallen away, and now are heaped at the base of the pyramid. A pyramidal tower rises from near the middle of the palace projecting two stories above the roof, which is flat, and coated with cement. The entire building, or group of buildings, was constructed of dressed stone laid in a mortar of sand and lime, and the front was coated with stucco and painted in various bright colors. The cornice, which extends all round the building, is supported on stone piers about seven feet wide, between each pair of which is a doorway nine feet wide. Of these doorways there are fourteen in front, and there the piers were ornamented with bas-reliefs, some of which still remain as irrefragable proof of a very high artistic development. These bas-reliefs would of themselves appear to be enough to confute the theory according to which Palenque, Uxmal, and the other sites of ruins in this portion of the American Continent are only "pueblos," groups of "communal houses" such as still exist and are still inhabited in New Mexico. All of the edifices which remain of Palenque, Uxmal, etc., are richly, even profusely decorated, while the "communal houses" of the pueblos are void of all attempt at ornamentation. Indeed, to suppose that a community of barbarians would erect for themselves such palaces as these, is to attribute to them a degree of refinement never yet attained even by what is known in England as "the upper middle class."

An idea of the high artistic merit of these bas-reliefs can only

be obtained by an inspection either of the originals or of their reproductions in drawings or photographs, such as illustrate Stephens's or Charnay's volumes. In future numbers of the Review, many of these interesting monuments of indigenous American art will be illustrated with engravings after photographs to be taken by the Lorillard expedition. Suffice it, therefore, for the present, to describe roughly one of this series of bas-reliefs as a specimen of the whole. Here are seen three human figures, one of which, the principal personage, stands erect, while the other two are sitting cross-legged on the ground, the one before, the other behind him. They are all in profile, and they all exhibit a very remarkable facial angle of about forty-five degrees, as if the head above the ears had been compressed in infancy so as to assume a peaked shape. The attire of the principal figure consists of a bonnet of plumes ornamented with sundry devices, a short vest or cape, probably of feather-work (though it might be of mail), decorated with studs, and faced with a sort of breastplate, a belt around the waist supporting a close-fitting tunic made of the skin of some animal; finally, moccasins ornamented with feather-work at the top. In his hands he holds a curiously branched staff or scepter. The other two figures are naked, save that both wear wide belts. The border of this bas-relief is richly ornamented; the work measures, within the border, ten feet in height and six feet in width.

Entering at one of the doorways, we find ourselves in a grand corridor which extends the whole length of the front of the palace, and back of that is another corridor of nearly the same length—about two hundred feet. From this inner corridor doorways give access to the principal court, which occupies nearly one fourth of the whole interior. It were vain, without diagrams and figures, to attempt to convey an idea of the ground-plan of this edifice, or of its ornamentation, and we content ourselves with simply enumerating a few of the objects of interest which meet the eye. The principal court adjoins the inner corridor, as we have said, and occupies the northeast corner of the building, which itself faces eastward. Crossing the inner corridor, we descend a grand stone stairway, each of whose steps is thirty feet in length, to the floor of the court; there is a similar stairway at the opposite or western end, and the distance between the two is about seventy feet, while in the other direction the court measures eighty feet. These stairways are situated in the middle of their respective sides of the court, and the piers to the right and left of them are adorned with

bas-reliefs of the same general character as that described above, while the walls on which the piers rest have carved on them monstrous colossal figures nine or ten feet high. The court is encumbered with growing trees and with *débris*, so that excavations have to be made in order to obtain a view of the figures. Above the piers is a heavy cornice highly ornamented. "Every time we descended the steps," says Stephens, "the grim and mysterious figures stared us in the face, and it (the courtyard) became to us one of the most interesting parts of the ruins. We were exceedingly anxious to make excavations, clear out the mass of rubbish, and lay the whole platform bare ; but this was impossible. It is probably paved with stone or cement ; and, from the profusion of ornament in other parts, there is reason to believe that many curious and interesting specimens may be brought to light. This agreeable work is left for the future traveler, who may go there better provided with men and materials, and with more knowledge of what he has to encounter ; and, in my opinion, if he finds nothing new, the mere spectacle of the courtyard entire will repay him for the labor and expense of clearing it."

The pyramidal tower of the palace is in itself an enigma. It is thirty feet square at its base. Stephens, on entering this tower from one of the corridors of the palace, found within it another tower distinct from the outer one, and a stone staircase so narrow that a large man could not ascend it. This staircase ends at a stone ceiling which closes all further passage, the last step being only six or eight inches below it.

Among the most remarkable bas-reliefs found in the palace is a stone tablet set in a wall of a corridor adjoining the tower. This now famous tablet, which is four feet long and three feet wide, contains two figures with hieroglyphics in the spaces to the right and left of them. The principal figure, which is nude, sits in the Buddha attitude, cross-legged, on a couch ornamented with two heads of jaguars. The other figure bears a ludicrous likeness to an old woman arrayed in old-fashioned modern gown and cape. She is offering to the god, if god it be—or perhaps goddess—what appears to be a plumed bonnet, to take the place of the incomprehensible head-gear of the deity.

All of these bas-reliefs have inscribed on them hieroglyphics, but there are in the palace no hieroglyphical tablets, such, for instance, as exist in casa No. 1. In that building both of the corner-piers of the façade are covered with hieroglyphics, and besides these there

are three great hieroglyphic tablets, two of which are each thirteen feet long and eight feet high, and each divided into two hundred and forty squares. These tablets are a sealed book, and toward their interpretation not even a beginning has been made.

Whether or not it will be in human power to decipher these and the rest of American hieroglyphics, and to give to history the annals they so vainly strive to tell, is a question yet to be settled. In any event, however, one of the main objects of the expedition, the reproduction of the most important inscriptions, has every prospect of accomplishment. This will bring within the reach of all concerned, both in Europe and in America, problems not unworthy the attention of the highest human intellects. Nor is it unreasonable to expect that some new Champollion will do for the early annals of our continent what has been already so amply done for the history of ancient Egypt. It is true that the quiet student at Paris or Washington will, of necessity, remain cold to some of the emotions naturally evoked by the monuments which attest the prosperity of what once was one of the fairest and most populous regions of the earth. He will, perhaps, not be stirred by the feelings which have moved enthusiastic travelers. It will not be in his power to feel with Stephens when, in the midst of desolation and ruin, he conjured up the past, dispelled the gloomy forest, and fancied every structure perfect, with its terraces and pyramids repeopled, and overlooking an immense inhabited plain. The scholar will not, perhaps, so readily as the traveler, call back into life the strange people whom Stephens fancied gazing at him in sadness from the walls of Palenque—the same people who had once, clad in fanciful costumes, adorned with plumes and feathers, ascended the terraces of the palace and the steps leading to the temples. But, though the future investigator may have no share in the genial enthusiasm of the traveler, he will have at his command all the materials that the most diligent research can obtain, for throwing light upon the origin and history of this interesting population. In careful casts and distinct photographs he will possess faithful representations of every monument. In effect he will have before his eyes Copan with all its mysteries, its columns scored with hieroglyphics, its rows of death's heads on the sculptured walls, its nameless kings and gods; and to his unimpassioned research we must trust to bring before us once more the old faith of an ancient and mighty priesthood, and the lost knowledge and strange arts of a cultivated and vanished people, whose ruins can be compared only with the ruins

of Rome in her glory. America, it has been said, is without traditions, has no past. But, just as geology shows that this Western Continent is really the "Old World," so archæological research will perhaps show that man and human civilization are as ancient here as in Europe. However that may be, these venerable monuments appeal with special force to Americans of the present day, not only on account of their value as purely scientific data, but also because they supply the links which connect us with the past.

THE EDITOR.

THE LAW OF NEWSPAPER LIBEL.

THE liberty of the press has been the boon for which patriots have struggled and many suffered. It has been the watchword of progress, and the shibboleth of party. It has been the battle-cry of those who contended against arrogant pretension and arbitrary power, as it has been the terror of irresponsible rulers. Claimed by its champions as the safeguard of the rights and rewards of freedom, it has been decried by its enemies as destructive of order, and inimical to the public safety. Its attainment has been signalized by determined struggle and effort from the time of the public prosecutions in England over a century ago, until now, when the freedom of the press is recognized and established under the supreme sanction of constitutional guarantees in every one of the United States.

However inestimable the right may have been once regarded, it is certain that at the present time the phrase "the liberty of the press" conveys no such idea of a public blessing as it formerly did. Unfortunately, it now suggests a dangerous and unrestrained license in the vituperation of private character, in the publication of much that is vile and demoralizing, and in the misrepresentation of public men and measures. On all sides we hear complaints of this license and abuse ; and the courts are more and more resorted to for redress.* So now it is not so much a question of enlarging the liberty as of circumscribing it; not one of guarding it so much as restraining it. The nature and limit of this liberty have perhaps never been more aptly and elegantly stated than by Wirt, on the impeachment trial of Judge Peck, in December, 1830. The Judge was tried for punishing, as a contempt, a party for the publication of a criticism in refer-

* The "New York Herald" published in 1869 a statement in reference to libel suits against the press ; and it appears that there were then pending no less than 756 libel suits of this character, wherein the complainants demand no less than \$47,500,000 damages. (See this article, reproduced in Hudson's "History of Journalism," p. 747.)

ence to an opinion he gave in a case. At the close of his argument for the accused, the famous Maryland orator said :

“ What is the liberty of the press, and in what does it consist ? Does it consist in a right to vilify the tribunals of the country and to bring them into contempt by gross and wanton misrepresentations of their proceedings ? Does it consist in a right to obstruct and corrupt the streams of justice by poisoning the public mind with regard to causes in these tribunals before they are heard ? Is this a correct idea of the liberty of the press ? If so, the defamer has a charter as free as the winds, provided he resort to the press for the propagation of his slander ; and, under the prostituted sanction of the liberty of the press, hoary age and virgin innocence lie at his mercy. This is not the idea of the liberty of the press which prevails in courts of justice, or which exists in any sober or well-regulated mind. The liberty of the press is among the greatest of blessings, civil and political, so long as it is directed to its proper object—that of disseminating correct and useful information among the people. But this greatest of blessings may become the greatest of curses if it shall be permitted to burst its proper barriers. The liberty of the press has always been the favorite watchword of those who live by its licentiousness. It has been from time immemorial, is still, and ever will be, the perpetual *decantatum* of all libelers. To be useful, the liberty of the press must be restrained.”

The full and unrestrained license accorded the press has resulted too often in the aspersion of private character, and the invasion of domestic privacy ; and therefore the tribunals of the country, by means of libel suits, are called upon very frequently to protect and vindicate one of the dearest rights of individuals—reputation. It will be, therefore, instructive, and of practical importance, to inquire what are the limits which the law has placed upon this liberty of the press ; and how far it can invade private life and violate reputation without incurring a liability for libel. Let it be premised that it is rather in respect to civil liability that we intend to examine the question ; for it is seldom now we witness criminal prosecutions against the press on behalf of the State for an abuse of its liberty. The prosecutions familiar at the present are those by individuals for damages for defamation, or by the State for criminal injury to such individuals. It is not intended to point out what charges or imputations are libelous, or to what extent newspapers can go, in commenting on men and things, without exposing themselves to a charge of libel. To do this we should have to enter into an ex-

amination of the whole law of libel. It will be presumed in this inquiry that there is a knowledge of the law of libel, so far as is necessary to perceive what constitutes a libelous charge; that a libel, as it is well defined, is "any malicious publication, written, printed, or painted, which by words and signs tends to expose a person to contempt, ridicule, hatred, or degradation of character." * The definition given by Chief Justice Parsons, in *Commonwealth vs. Clap*, † has been often quoted with approval. He says, "A libel is a malicious publication expressed either in printing or writing, or by signs or pictures, tending either to blacken the memory of one dead, or the reputation of one who is alive, and expose him to public hatred, contempt, and ridicule."

It is a common understanding that newspapers have a special indulgence or privilege in their public comments, which is denied to private persons. Now this popular fallacy is misleading, not only to those who may rightfully complain against the freedom and immunity allowed the press, but as well to journalists themselves. In a certain sense newspapers are so privileged; for their publications come under the head of "privileged communications," which rebut the presumption of malice, implied when a libel is published without legal excuse. But in this respect newspapers as such enjoy no peculiar immunity; they have merely the same right which any individual has to comment on matters of public concern, or on facts of a public nature, and to criticise public performances. At present, the law takes no judicial cognizance of newspapers; and, independently of certain statutory provisions, the law recognizes no distinction in principle between a publication by the proprietor of a newspaper, and a publication by any other individual. ‡ This popular error is stated and combated in a recent case before the Supreme Court of Ohio (*Wahle vs. Cincinnati Gazette Company*), where the defense to a suit for libel was that the publication was privileged, concerning which the Court says: "The question then presented is, whether or not these communications come under the head of privileged communications. Part of the answer states they were made by a public journal of a public officer. The allegations being made by a public journal, of course, makes no difference. If the communications are not privileged when made by a private

* *Mercur, J.*, in *Barr vs. Moore*, Sup. Court of Pennsylvania, November, 1878.

† 4 Mass., 163.

‡ *Townshend on Libel*, § 252; *Foster vs. Scripps*, 13 "American Law Review," 595; *Sheckell vs. Jackson*, 10 Cushing, 26.

citizen, they would certainly not be privileged if made by a newspaper. It would be a strange rule if we were to hold that a man could with impunity spread abroad a story when he used an engine of fifty-ton power, while he would be punished if he should merely do the same thing by whispering it to an acquaintance. Wherever our laws extend, the rule is the same between private citizens and newspapers. Every person has a right to discuss all matters of public interest, and to comment favorably or unfavorably thereon, either by attack upon, or criticism of, the official acts of persons in a public station. And the freedom of the press is, when rightly understood, commensurate and identical with the freedom of the individual and nothing more. This freedom should at all times be justly guarded and protected, but so should the reputation of an individual against calumny. The right of each is too valuable to be encroached on by the other. The general liberty of the press must be construed, therefore, in subordination to the right of any person calumniated to hold it responsible for an abuse of that liberty."

The consideration we shall give to this subject at present will be principally confined to three points—those which peculiarly concern the sphere of newspaper publication, and in which journalists are most prone to expose themselves to a charge of libel. These are comments relating to public men or measures; criticism on authors, works of art, and literature; and reports of judicial proceedings. But, as preliminary to this inquiry, it will be useful to discuss some special points having a particular reference to newspapers, and relating to what may be termed *newspaper law*.

Journals are well known to be the vehicle or means of circulating reports on common or hearsay rumor, and sometimes on very unreliable authority. They quote from, and often refer impersonally to vague reports and rumors under a mistaken idea that in this manner they may evade a libelous charge. Yet it is well established that it is no less libelous to make a charge on common report, or on the authority of another named, than to make it directly. But, although a libel is not *justifiable* when the article is copied from another paper, a defendant may, however, show in mitigation of damages that it had previously been published in other papers, for this serves to show the *quo animo*.* In the case of *Storey vs. Earley*, in the Supreme Court of Illinois, February,

* *Hewitt vs. Pioneer Press Company*, 23 Minn., 178; *Heilman vs. Shanklin*, 60 Indiana, 424.

1878, Breese, J., says that "there is a clear distinction between a publication of slanderous matter in a newspaper as a matter of news, and the publication of slanderous matter on the personal truthfulness and responsibility of the defendant."

An editor is responsible for a libelous communication published, although the writer's name is signed.* And the fact that a libel was published in the communication of a correspondent, was held not admissible in evidence to mitigate damages.†

On this subject, in one of our early cases in Pennsylvania,‡ the Court tersely says: "It will not be denied that if one designedly bespatters another's clothes with filth as he passes the street, though at the instigation of a third person, he would be liable for damages. And shall a printer with his types blacken the fairest reputation—the choicest jewel we enjoy—and go scot-free, merely because he has told the world that the paper is inserted at the request of another?"

This point was recently well considered in *Perret vs. New Orleans Times*.§ Certain irresponsible persons, whose residence was unknown, published in the defendant's journal an advertisement severely reflecting on certain public men. The publication was admitted, but the defense was that it was published as an advertisement; and that it was received at a late hour of the night, and during the absence and without the knowledge of the proprietors of the paper. It was denied that the defendant had any malicious intent; and, as proving an absence of malice, it was shown that as soon as the plaintiff brought the injury to the attention of the defendant, an editorial article was inserted, explanatory of the publication, which the plaintiff deemed satisfactory. The defendant was, however, held liable. The decision of the Court in this case deserves particular attention, as enunciating some sound and salutary principles in regard to newspaper defamation. The Court admitted the right of public journals to freely comment upon the acts and conduct of men in public life, to speak faithfully and boldly in the interests of the people regarding public measures, and questions of all kinds that concern the community at large. The Court then says: "Still there is a limit beyond which this freedom becomes license. The law which shields the private character and

* *Hotchkiss vs. Oliphant*, 2 Hill, 510.

† *Talbutt vs. Clark*, 2 Moody and Rob., 312.

‡ *Runkle vs. Meyer*, 3 Yeates, 518.

§ 25 La. An., 170.

reputation of an inoffensive person from the assaults of calumny and falsehood is founded upon a public sentiment of greater power even than that of the free press. It forbids the wanton violation of the sacredness of personal character and good name."

Sometimes after an injury has been done, a paper may, by way of reparation, offer and make an explanation or retraction of a libelous charge; but, while this is commendable and entitled to consideration as a mitigation of the damage, it will not shield nor exempt a publisher from an action.* The publication of the explanation or retraction may be offered in evidence in mitigation, just as a subsequent publication may be given in evidence to show a reiteration of the charge, and the malice of a publisher.† But neither the good intentions of the publisher nor his honest belief in the truth of the charge when it is libelous will be a justification, though they may show in mitigation, for in these cases the *intent* is a main element in the liability.‡

When an editor desires to make the *amende honorable*, he should do so promptly in a prominent part of his paper and in clear type. It will not be sufficient to put the apology among "notices to correspondents," and in fine type.§

An action lies against the proprietor of a newspaper edited by another, although the publication was made without the knowledge of such proprietor. By intrusting the conduct of the paper to another, the owner constitutes this person his general agent, and is therefore responsible for his acts in such capacity.|| In an early case in New York, this point came under the consideration of the Court, and it was determined that the proprietor of a newspaper, which is edited by another, is responsible for a libel published therein, although published without his knowledge.¶ The same rule was held in a well-known English case, *Rex vs. Walter*,** which was

* See a late instructive case in this connection: *Cass vs. New Orleans Times*, 27 La. An., 214, and *Townshend on Libel*, § 413.

† *Goodrich vs. Stone*, 11 Metcalf, 486; *Barr vs. Moore*, Sup. Court of Pennsylvania, November, 1878; *Thomas vs. Croswell*, 7 Johnson's Reports, 264.

‡ *Rearick vs. Wilcox*, 81 Ill., 77.

§ *Lafone vs. Smith*, 3 Hurl. and N., 735.

|| *Detroit Daily Post Co. vs. McArthur*, 16 Michigan, 447. This case is instructive as showing that a proprietor may be to some extent relieved from liability when he has taken due precaution to select careful and competent persons to conduct the paper.

¶ *Andres vs. Wells*, 7 Johnson's Reports, 260, decided in 1810.

** 3 Esp. 21.

an indictment for libel against the proprietor of the "Times." He proved that he lived in the country, and took no part in conducting the newspaper, which was under the charge of his son. In spite of the able advocacy of Erskine, Lord Kenyon was clearly of opinion that the proprietor of a newspaper was answerable, criminally as well as civilly, for the acts of his servants or agents in conducting such newspaper.

Irony, humor, and satire are frequently indulged in to make a journal "spicy"; and as a general rule a writer may safely shield himself in this manner if his shafts are not too directly leveled, or his allusions too personal or pungent. The editor of the Denver "Tribune" published, concerning Mr. Downing, the following :

"My conscience (meaning the conscience of the said plaintiff)
 hath a thousand several tongues,
 And every tongue brings in a several tale;
 And every tale condemns me (meaning the said plaintiff)
 for a villain.
 Perjury, foul perjury in the highest degree;
 Murder, stern murder in the direst degree,
 All several sins, all used in each degree,
 Throng to the bar, crying all: 'Guilty! guilty!'

Richard III.

—and yet Jack Downing (meaning the said plaintiff) affects to laugh with a low, guttural sound, thus: Ha! ha!! ha!!! The complaint charged that this imputed perjury as well as murder. The article also charged that the plaintiff was a "second Boss Tweed" and a ballot-box stuffer. It was left to the jury to find what the defendant meant to charge, or whether he meant anything serious, and the jury being doubtful as to what precise charge was meant, gave the defendant "the benefit of the doubt," and the editor had a verdict in his favor.* But irony is not always to be indulged in with impunity. Thus, where the plaintiff having published a somewhat singular article in his paper, the defendant, the editor of another paper, published an ironical article, alleging that the plaintiff had become insane; that his friends had put him in confinement, and consigned the management of his paper to an Irishman; that he had been put in a strait-jacket, etc. This was held libelous, and it was left to the jury to determine how far it was malevolent.† So humor can not always be safely indulged

* Downing *vs.* Brown, 3 Colorado, 571.

† Southwick *vs.* Stevens, 10 Johnson's Reports, 443.

in ; it may sometimes be a dangerous instrument, even in an editor's hands. The editor will be excused, however, if he can show to the jury that he thought a communication complained of was a fictitious narrative or a mere fancy sketch, and that it was not intended for anybody in particular, although the writer intended it as a libel on the plaintiff. In such a case the writer only is liable to the party libeled.*

We will now consider more specially the three divisions of the subject we proposed :

1. Comments respecting Public Men.

It is in this field that journals are most liable to abuse their privileges, and to expose themselves to the hazard of a prosecution for libel. The acknowledged privilege which they possess, in common with citizens generally, of commenting upon public affairs, criticising the actors in such affairs, exposing their shortcomings or disqualifications, has given them a license in this respect which induces them too often to assail personal reputation, and to invade domestic privacy. It is in this direction we so frequently hear complaints of the abuses of the press. Good men are said to be deterred from entering public life, or participating in public affairs, because they will be thus subjected to calumny, and exposed in their private life to adverse criticism. It must be confessed, the abuse is too frequent and the evil lamentable ; but it is well to know that, under the law as laid down by our courts, the fact of a person being a public character, or a candidate for a public office, does not necessarily subject him to be calumniated, or held up to ridicule in his private life, without redress. Our courts have lately, in several instances, laid down salutary principles for the protection of the private character of those engaged in public affairs. There is an erroneous idea abroad that a man can be calumniated in his private character, falsely ridiculed and traduced, because he happens to be a public character. There is, however, a license allowed in this respect, and a right given to criticise, which in reference to a private individual would be clearly libelous, because it is acknowledged that a service is rendered thereby to the people at large, who have a right to be informed concerning the merits and qualifications of those who seek their suffrages. It is laid down in *Parmiter vs. Coupland*,† that a much greater latitude will be extended to criti-

* *Smith vs. Ashley*, 11 Metcalf, 367.

† 6 M. and W., 108.

cisms on persons occupying a public capacity, than to criticisms on private individuals; and publications which would be clearly libelous if leveled against the latter, may be innocent and even commendable when directed against the former.

At the beginning of this century Chief Justice Parsons very accurately stated the ground and the limit of this privilege in *Commonwealth vs. Clap*.* “When any man,” he says, “shall consent to be a candidate for a public office conferred by the election of the people, he must be considered as putting his character in issue, so far as it may respect his fitness and qualifications for the office. And publications of the truth on this subject, with the honest intention of informing the people, are not a libel. For it would be unreasonable to conclude that the publication of truths, which it is the interest of the public to know, should be an offense against their laws. . . . For the same reason the publication of falsehood and calumny against public officers is an offense most dangerous to the people and deserves punishment; because the people may be deceived, and reject the best citizens to their great injury, and, it may be, to the loss of their liberties.” How well it would be if courts would particularly impress juries with the principle here laid down, in regard to liability for calumniating public characters! The correct doctrine on this subject may be thus stated: The writer must not make the occasion one for the gratification of personal malice and vindictiveness, when commenting on public affairs. He must not make imputations of base, sordid, or corrupt motives, or dishonest conduct. He is not bound to justify to the very letter everything that he writes; yet his inferences must not be reckless and unjust, though they may be hostile and severe. If he proceeds further, and in a spirit of reckless and inconsiderate imputation makes false charges, though he may in good faith believe in the truth of his imputations, he is guilty of a libel.†

The virulence of political and party strife at the beginning of this century was conspicuous in the historical prosecution for libel in *People vs. Croswell*‡ in New York. Hildreth thus accurately describes this celebrated action: “While these political intrigues were in progress, a case came on for argument before the Supreme Court of New York, then sitting at Albany, in which the rights and freedom of the press were deeply involved. Ambrose Spencer,

* 4 Mass., 163.

† Shortt on Libel, 434; Cockburn, J., in *Hedley vs. Barlow*, 4 F. and F., 230.

‡ 3 Johnson's Cases, 360.

as Attorney-General, had instituted a prosecution for libel against a Federal printer for having asserted that Jefferson had paid Calender for traducing Washington and Adams. The case had been tried before Chief Justice Lewis, who had held, among other things, that in a criminal trial for libel, the truth could not be given in evidence; and that the jury were merely to decide the fact of publication, the question belonging exclusively to the court whether it were a libel or not. These points coming on for a rehearing before the Supreme Court, on a motion for a new trial, Spencer maintained with great zeal the arbitrary doctrines laid down by Lewis. Hamilton, a volunteer in behalf of the liberty of the press, displayed on the other side even more than his wonted eloquence and energy in denouncing the maxim 'The greater the truth the greater the libel,' at least in its relation to political publications. The court, after a long deliberation, was equally divided—Kent and Thompson against Lewis and Livingston. The opinion of the Chief Justice stood as law; but Hamilton's eloquence was not lost. A declaratory bill was introduced in the Assembly, then sitting, by a Federal member. The Republicans shrank from this implied censure on their candidate for Governor, and the matter was postponed to the next session. An act allowing the truth to be given in evidence was then passed, but was defeated by the council of revision, composed of the judges and Chancellor. The act, however, with some modifications, became law the next year, and such either by constitutional provisions, legislative enactment, or the decisions of the courts, is now the law throughout the United States."

A late decision in Kansas shows that, under the Constitution and statutes of that State, the truth will not be a justification in criminal as in civil actions, unless published for "justifiable ends."* It was lately held otherwise (as the cases generally hold) in Massachusetts.† We can not but more readily subscribe to the good policy of the Kansas rule, although at the time the decision was rendered, it gave rise to much controversy in that State and in other places. Allowing the truth to be given in evidence as a justification, irrespective of the object of the publication, gives the press and libelous writers generally an immunity which may be destructive to the peace of the community, and inimical to the protection of private character. Members of legislative bodies too often have to bear the effect of journalistic rancor, and have to suffer their motives to be impugned and misrepresented. Calling

* *Castle vs. Houston*, 17 Kan., 417.

† *Perry vs. Potter*, 124 Mass., 338.

a member of Congress a "fawning sycophant," "a misrepresentative," and charging that he had "abandoned his post in Congress" to seek a certain office, was held libelous.*

In a case where a lawyer offered himself as a political candidate the proprietor of the "Sunday Mercury" published concerning him: "Elnathan L. Sanderson, extra-radical candidate for Assembly from the third, fourth, and eleventh wards of Brooklyn, did a good thing in his sober moments in the way of collecting soldiers' claims against the Government for a fearful percentage. The blood-money he has got from the 'boys in blue' in this way is supposed to be a big thing, and may elect him to the Assembly on the 'loyal ticket,' although the soldiers and sailors are out in full force against him." The Court held that the fact that the plaintiff was a candidate for office did not make the publication privileged.

Recent decisions in Pennsylvania, Michigan, and Illinois, show the direction which the courts are taking, and are instructive, because they limit in an important degree this assumed privilege of animadverting upon and aspersing the character of men occupying a public or *quasi* public station.

The case of *Foster vs. Scripps* † was lately decided in Michigan. This was an action for libel brought against the proprietor of the Detroit "Evening News," for publishing of the plaintiff, who was a city physician, that he had caused the death of a child by introducing scarlet fever into its system in vaccinating it. In the court below the article was held to be privileged, on the ground that the plaintiff was a city physician. The Supreme Court reversed the judgment, and Chief Justice Campbell, in giving the opinion of the Appellate Court, very ably considers the question of privileged publications. "It is not," he says, "and can not be, claimed that there is any privilege in journalism which would excuse a newspaper, when any other publication of libels would not be excused. Whatever functions the journalist performs are assumed and laid down at his will, and performed under the same responsibility attaching to all other persons. The greater extent of circulation makes his libels more damaging, and imposes special duties as to care to prevent the risk of such mischief proportioned to the peril. But, whatever may be the measure of damages, there is no difference in liability to suit. Allowing the most liberal rule as to the liability of persons in public employment to criticism for their conduct,

* *Thomas vs. Crowell*, 7 Johnson's Reports, 264.

† 13 "Am. Law Rev.," 595.

in which the public are interested, there certainly has never been any rule which subjected persons, public or private, to be falsely traduced. The nearest approach to such license is where the person vilified presents himself before the body of the public as a candidate for an elective office, or addresses the public in open public meetings for public purposes. But even in such cases we shall not find support for any doctrine which will subject him, without remedy, to every species of malevolent attack. But where a person occupies an office like that of a city or district physician, not elected by the public, but appointed by the council, we have found no authority, and we think there is no reason, for holding any libel privileged, except a *bona fide* representation, made without malice to the proper authority, complaining on reasonable grounds."

The case of *Rearick vs. Wilcox*, in Illinois,* considers the same subject. Here it is decided that it is no justification nor mitigation of a libel upon a candidate if there was great public excitement in the election, in which party spirit ran high, and an instruction to the jury that they might consider such excitement was held erroneous. Neither the good intentions, nor the reports which reached an editor, could justify, though, to a certain extent, they might excuse him. These decisions are noticeable, for they show the principles controlling courts in laying down the law to juries. If they were followed, there would be less distrust in the courts and in legal remedies for the vindication of private character from wanton and reckless attacks.

We are accustomed to regard the French newspaper law as severe and illiberal; but, with all the laudation of our law, we must claim that the French law manifests a more tender solicitude for the inviolability of private character, and a higher regard for the intimacy of domestic life, than our own. While a public journal in France may freely comment on a person in his public or official character, it is forbidden to pass over the threshold of the family, and reveal to public view the acts of private life. The acts taking place in the privacy of the family are not to be exposed, and must be sacred from the prying and curious eyes of the ubiquitous reporter. We could hardly expect outside of Anglo-Saxon communities such a high regard for the inviolability and the sanctity of the family. Yet to-day in France, under the law of the 11th of May, 1868, any publication in a periodical relating to facts of private life is prohibited under a fine of five hundred francs. A recent

* 81 Ill., 77.

decision under this law shows how strictly the courts follow it. Thus, it was held to be violated when a paper published the names, and gave sketches of certain persons who entered upon a pilgrimage, although the court admitted it might be allowable to publish the fact of the pilgrimage, and its organization.* The construction of the law appears further from a decision of the court published in the "Journal du Palais" for June, 1877, where it is held: "*Les faits de la vie privée dont la publication dans écrit périodique tombe sous le coup d'art. 11 de la loi du 11 mai, 1868, s'entendent non seulement des faits qui se passent dans la famille, mais encore de ceux qui s'accomplissent dans le monde extérieur, même dans un lieu public et avec une publicité relative lorsque l'auteur de ces faits les exécute comme homme privé.*" The law in France makes an important distinction in the mode of trying offenses of the press against private character, and offenses against men in their public or official character. In the former case there is a more summary mode, without a jury, before the "Tribunaux Correctionnels," while offenses against public men are to be tried by a jury since the law of the 15th of April, 1871. Art. III of this law provides:

"En cas d'imputation contre les dépositaires ou agents de l'autorité publique, à l'occasion de faits relatifs à leurs fonctions, ou contre personne ayant agi dans un caractère public, à l'occasion de ces actes, la preuve de la vérité des faits diffamatoires pourra être faite devant le jury."

The Duc de Broglie was chairman of the committee who drew up the *projet* of this law, and he made a very instructive report, showing the views that influenced the committee in relegating to the jury offenses of this character. He says: "Si l'imputation est fondée au contraire, si c'est un fait vrai qui est révélé au public, un service éminent est rendu à société, qui se trouve par là avertie du danger que lui fait courir un serviteur infidèle. Attaquer les fonctionnaires publics est le droit d'un citoyen dans un pays libre, et l'abus ne commence que quand l'attaque est poussée jusqu'à dénaturer la vérité. Si jamais la vérité est nécessaire, c'est pour discerner la limite qui sépare un acte non seulement licite, mais louable, d'un acte criminel."

We think the policy of these laws is to be commended; and it would be well if we had some similar legislation in favor of the inviolability of private life. If I am the owner of a field, I can, by virtue of that ownership, restrain the invasion of my property by

* "Journal du Palais" for 1874, p. 563.

simply warning off all trespassers. I have a right to an exclusive and unmolested enjoyment of this property. And is not one's private character as sacred and inviolable as his house or property? If the law seeks to enter the privacy of the home, it has to issue its regular process and mandate before it can be properly done. And why can a public writer at his will pass the threshold of that home, drag to public view its intimacies, its privacy, and its confidences, simply because a person in some manner happens to attract public attention?

2. *Criticism.*

Writers in the public press frequently make themselves liable to a charge of libel by reason of an intemperate and reckless criticism of works of literature and art. They are permitted a wide latitude in this respect, on the ground that it is praiseworthy to enlighten the public in reference to such works, and improve the public taste. They can go far in condemning the productions as vicious, crude, and demoralizing; but they can not attribute unworthy and base motives, and bad faith, to the authors. Says Lord Ellenborough, in *Carr vs. Hood**: "Every man who publishes a book commits himself to the judgment of the public, and any one may comment on his performance. If the commentator does not step aside from his work, or introduce fiction for the purpose of condemnation, he exercises a fair and legitimate right. . . . The critic does a great service to the public, who writes down any vapid and useless publication, such as ought never to have appeared. He checks the dissemination of bad taste, and prevents people from wasting both their time and money upon trash. I speak of fair and candid criticism, and this every one has a right to publish, although the author may suffer a loss from it. . . . Reflection on personal character is another thing. Show me an attack on the moral character of the plaintiff, or any attack upon his character unconnected with his authorship, and I shall be as ready as any judge who ever sat here to protect him; but I can not hear of malice on account of turning his words into ridicule." Similar views were laid down in *Strauss vs. Francis*,† in reference to a critique in the "*Athenæum*," where a novel was described as "characterized by vulgarity, profanity, and indelicacy, bad French, bad German, and bad English, and abuse of persons living and dead."

The limits of criticism appear from the action brought by the

* 1 Campbell, 358.

† 4 F. and F., 1113.

celebrated novelist Cooper against Stone,* for a libel published in the "Commercial Advertiser." Here it was held that, while it is allowable freely to condemn and criticise an author's productions, a critic can not impute to the author false and dishonest or unworthy motives in the preparation of his book.

One of the most famous cases of this kind was an action for libel brought by Charles Reade against the editor of "The Round Table," in 1870, for a criticism on his "Griffith Gaunt." This case is reported as *Reade vs. Sweetzer*, † and the Judge's charge to the jury has been much approved as containing a correct statement of the privileges and limits of criticism. The article in "The Round Table" charged that it was "one of the worst stories that had been printed since Sterne, Fielding, and Smollett defiled the literature of the already foul eighteenth century," and that it was "not only tainted with this one foul spot, it is replete with impurity, it reeks with allusions that the most prurient scandal-monger would hesitate to make." It was denounced as unfit for circulation in families, and it was said to be doubtful whether the author had not lent his name to others to utter this work.

Judge Clerke charged the jury: "The critic may say what he pleases of the literary merits of the published production of an author, but with respect to his personal rights, relating to his reputation, the critic has no more privilege than any other person not assuming the business of criticism. For instance, he may say that the matter is crude, forced, and unnatural; that it betrays poverty of thought, and abounds with commonplaces and platitudes, being altogether flat, stale, and unprofitable, and that its style is affected, obscure, and involved. He may say, as Burke said of the style of Gibbon, that it is execrable, or that it is personally affected, absurd, or wayward. . . . The critic can call a painting a daub and an abortion, but he can not call the painter himself a low, discreditable pretender and an abortion." He further charged that a critic may not, from the sentiments and characters of the work, impute unworthy motives and evil designs to the author himself. The jury merely found for the plaintiff six cents damages, though the charge was so much in his favor.

A recent case in Massachusetts, ‡ in reference to a criticism concerning the famous "Cardiff Giant" also illustrates the limits of criticism. The article stated that the "giant" originally cost eight

* 24 Wend., 442.

† 6 Abb., N. S. 9.

‡ *Gott vs. Pulsifer*, 122 Mass., 235.

dollars, and that "the man who brought the colossal monolith to light confessed that it was a fraud." The defendant testified that he wrote the article as a humorous comment on one in the Chicago "Tribune"; that he did not know the plaintiff, and intended no malice. Evidence on the plaintiff's part of the value of the "giant" as a scientific curiosity was ruled out. The plaintiff requested forty-one instructions to be given to the jury; but a verdict was given for the defendant. The Court on appeal held the ninth request to have been erroneously declined, and granted the promoter of the "giant" another trial, the ground being that under that direction the jury may have found that the defendant's charges were false, but that he was not liable to punishment because he intended no injury. This, the Court says, is not law; for a publisher is liable, if his comments exceed the bounds of fair criticism and produce injury, no matter what were his motives.

3. *Reports of Judicial Proceedings.*

Reports by newspapers of judicial proceedings, when they are true, impartial, and not garbled, are privileged. The report is not privileged if it in any wise discolours or garbles the proceedings or adds unwarrantable comments or insinuations. The English courts have gone further in restricting this privilege than our own when the proceedings are defamatory or indecent. Maule, J., in *Hoare vs. Silverlock*, § says, "Matters may appear in a court of justice that may have so immoral a tendency, or be so injurious to the character of an individual, that their publication would not be tolerated." But this statement has reference particularly to the case of individuals *voluntarily* publishing the proceedings of a trial, in order to reflect on the character of a person by some defamatory matter; but it is different in the case of newspapers, which assume the *duty*, for public information, of reporting the proceedings. They are then fully privileged, if they give a true and fair account of the proceedings, notwithstanding matter defamatory of an individual is thereby published.

In New York, the publication in newspapers of judicial and other public proceedings is protected by statute, which enacts: "No reporter, editor, or proprietor of any newspaper shall be liable to any action or prosecution, civil or criminal, for a fair and true report in such newspaper of any judicial, legislative, or other public official proceedings, or any statement, speech, argument, or debate

in the course of the same, except upon actual proof of malice, which shall in no case be implied from the fact of publication. Nothing in the preceding section contained shall be so construed as to protect any such reporter, editor, or proprietor from an action or indictment for any libelous comments or remarks superadded to and interspersed or connected with such report." *

When it is said that the account or report of a trial must be fair and impartial, it is understood that a party must publish not merely fragments, but the whole case; not necessarily *in extenso*, for it may be abridged. He can not partially state it so as to draw unwarrantable inferences or unjust conclusions. He may comment on the proceedings, provided the comments are fair and impartial.†

Says Spencer, J., in *Thomas vs. Crowell*,‡ "There is not a *dictum* to be met with in the books, that a man, under the pretense of publishing the proceedings of a court of justice, may discolor and garble the proceedings by his own comments and constructions, so as to effect the purpose of aspersing the characters of those concerned."

The case of *Pittock vs. O'Neil* § is a good illustration, showing how dangerous it is to intersperse or accompany the account of an action with sensational and highly colored conclusions and comments of the writer. Such expressions in relation to a divorce case as "terrible story of domestic treachery and guilt," "wreck of domestic happiness," "shameless treachery and hypocrisy," "scandalous affair," etc., were held libelous; and the plaintiff had a verdict of one thousand dollars. Comments may be made on a body of men in such a reckless manner, and corrupt motives attributed to them collectively, so as to give to an individual of that body a right of action on his own account. This was the case where a newspaper article pronounced the verdict of a jury "infamous"; and added, "We can not express the contempt which should be felt for those twelve men, who have thus not only offended public opinion, but have done injustice to their own oaths." It was held that an action for libel might be maintained by a member of the jury against the publisher.¶

This is an important decision, and deserves attention from news-

* Laws of 1854, Ch. 130, §§ 1, 2. And see *Ackerman vs. Jones*, 37 N. Y. Superior Court, 42.

† *Lewis vs. Walter*, 4 B. and Ald., 612; *Stiles vs. Nokes*, 7 East, 493.

‡ 7 Johnson's Reports, 264. § 63 Pennsylvania Reports, 253.

¶ *Byers vs. Martin*, 2 Colorado, 605.

papers when they comment on the verdicts of juries which they disapprove, as it leaves them open to twelve suits for libel for the same charge.

A libel may be conveyed in the head-lines of a report. Thus, where an article charged, in the heading of the report of public proceedings, that a public officer had been guilty of blackmailing, and had been dismissed from office on that account, it was held to be libelous, unless it was a fair deduction from the facts reported.* And so where a report of proceedings in a court of law was headed, "Shameless conduct of an attorney." †

Whether newspaper writers can go to the court records and extract therefrom accounts of actions begun before any hearing has been had on the complaint, as to publish, in a suit for divorce, the substance of a bill charging a person with adultery, was a question in a recent Michigan case. ‡ The Court, although it did not decide the point, entertained a "strong impression" that such publication was not privileged. The same question arose, and was decided in *Barber vs. St. Louis Dispatch Co.*, in 1876; § and it was held that such publication was not privileged, as it was an account of an *ex parte* proceeding. The rule in England was, and until lately in this country, that the *ex parte* proceedings before coroners and committing magistrates were not privileged, and newspapers published them at their peril. But in a late English case || the rule was overthrown by Lord Cockburn, when he held that the report of an *ex parte* application made to a police magistrate was privileged, notwithstanding the magistrate decided he had no jurisdiction. A similar decision was made in Maryland in the case of *McBee vs. Fulton*, ¶ an action against the proprietor of the "Baltimore American," and it was held that newspaper and other reports of courts of justice are privileged; and this extends to preliminary examinations before justices of the peace. The reports, however, though they need not be *verbatim*, must be substantially correct, and not garbled or partial, and made *bona fide* and without malice. These decisions may be accepted as laying down the generally received doctrine on this point.

The uncertainty of the result in an action against the proprietor of a newspaper for libel, deters many from attempting to pursue this method in the vindication of their character. This uncertainty

* *Edsall vs. Brooks*, 17 Abb. Pr., 221.

† *Walcott vs. Hall*, 6 Mass., 514.

‡ *Scripps vs. Reilly*, 35 Michigan, 371.

§ See 4 "Central Law Journal," 332.

|| *Usill vs. Hales*, 26 W. R., 371.

¶ 47 Md., 403.

and distrust, it must be admitted, do not arise from any indefiniteness or uncertainty in the law. Enough has been said to show the principles by which courts are guided in expounding the law to juries ; but, unfortunately, jurors bring more of their prejudices, feelings, and prepossessions to the determination of actions of this nature than to other causes ; and the result is a growing distrust in legal proceedings as a vindication of injured reputation. There have of late been many remedies suggested for this miscarriage of justice ; but some are too radical, and are, besides, not consonant to our system. We suggest, however, that a partial remedy for this defect might be given if the determination of such actions were given to a select jury—to what is known as a “special jury,” which is now granted in certain cases requiring peculiar knowledge, and where intricate and important questions are involved.*

Very frequently, in actions for libel, the question in a great measure may depend upon a turn or trick of expression, a phrase of peculiar signification, or some obscure or classical allusion, which our ordinary jurors can hardly be expected to comprehend. Therefore, in prosecutions for libel, especially against the press, a party ought to have a *positive* right to demand a special or struck jury, composed of a class of men of a higher order of intelligence than those ordinarily called to serve upon juries. It should not depend, as now in many States, on judicial discretion ; it should be a statutory right. The courts have on some occasions granted the right to such a jury, as where the libel was against a public officer in his official character.† In addition to this right, let such actions have a precedence on the calendar, so that an injured party may have speedy redress before the injury becomes irreparable, and the charge works its blasting effect. At present, under the long delay and continuances, a party may be irretrievably injured while waiting for the slow proceeding of a court to give him reparation ; and thus a greater inducement is given to breaches of the peace, by compelling an injured party to take into his own hands the vindication of the wrong done him.

JOHN PROFFATT.

* 3 Blackstone, 357 ; and see Proffatt on “Jury Trial,” § 71.

† Thomas *vs.* Croswell, 4 Johnson’s Rep., 491.

NULLITY OF THE EMANCIPATION EDICT.

I HAVE been greatly interested in an article in the February number of the "North American Review," by President Welling, on the Emancipation Proclamation. It presents the subject with great ability and fullness of detail, and, as far as my memory goes, it is the first article in an American periodical that has taken up the subject upon principle.

The proclamation is a past matter—was superseded by the amendment to the Constitution abolishing slavery—and it may be asked why its character and effect need now be inquired into. But it presents a great figure in history, and at the time it was issued it was supposed by many to have abolished slavery throughout the Union ; and, doubtless, a great number are still of that opinion, and the pen with which it was signed is preserved as a pious relic. It is never right to allow a mistake to exist upon an important political act, and I know of none in our history about which there has been so much misconception. The proclamation presents no question of constitutional law. It is to be looked at only with reference to the nature of things, and to that universal public law which must always coincide with the nature of things. If what the proclamation assumed to do could be done at all, I see no constitutional objection to its being done by the President, as commander-in-chief, in the absence of an act of Congress. But what it assumes to do is something which neither the President, nor Congress, nor the whole people of the loyal States, by an amendment of the Constitution, or in any other manner, could have effected.

This strong statement justifies a demand for a careful examination of the proclamation. There is no difficulty, it seems to me, in its construction. The vital passage reads as follows : "By virtue of the power in me vested as commander-in-chief of the army and navy of the United States in time of actual armed rebellion against

the authority and Government of the United States, and as a fit and necessary war measure, . . . I do order and declare that all persons held as slaves within said designated States are, and from henceforth shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons." The States and parts of States which the President designates in the proclamation were those which were beyond our military occupation and control, and he makes his proclamation in terms applicable only to such.

To fully understand the application of the proclamation, we must remind ourselves how the country then stood. The Southern States were not in the attitude of an insurrection for redress of grievances, or of rebellion against particular laws. They had declared their absolute independence of the United States, and were engaged in war against the United States for the maintenance of that independence. Whether that independence stood or fell, was to be determined by the result of the war. They had organized a confederate republic, with armies against which our powers had availed but little, and with a marine which gave us great trouble at sea. The final result of the war was then doubtful, depending in some measure upon the course which should be taken by the great states of Europe with respect to the recognition of independence. Our Government fully recognized a state of belligerency between the two powers, and we accepted and acted upon the rules which prevail in public war. As the act done by the President was professed to be done solely as "a war measure," by virtue of the powers vested in him "as commander-in-chief," and as the region upon which it was to operate was a region beyond our military occupation and control, and declared to be within that of the enemy, the only question that we need ask is whether a commander-in-chief can effectually do such an act, under such circumstances. Let us return to the proclamation. It is not a military order to take effect in the future. It is an edict purporting to operate from the time it is given out, and to operate *proprio vigore*. The slaves "are" free. Its only reference to the future is a promise that those slaves shall continue free "from henceforth," and "that the Executive Government of the United States, including the military and naval authorities thereof, will"—not create and confer, but "recognize and maintain the freedom of said persons."

We may therefore treat the proclamation as an edict purport-

ing to operate, by its own force and from the time of its signature, the actual emancipation of all existing slaves beyond our military control and occupation. It did not affect to operate at all upon slaves within our military control. On the contrary, it studiously excludes them, reserving, in its designation of the regions upon which it is to operate, those counties in the rebel States of which our armies had obtained control. It must be also remembered that at this time several of the border slave States were in the Union, their senators and representatives being in Congress, their slave Constitutions respected, the right of loyal masters to their slaves sustained, and that slavery was not abolished in the District of Columbia nor the fugitive-slave law repealed; and more than a year after this time an act of Congress (February 24, 1864) gave to the loyal master the one hundred dollars bounty for the slave which should be enlisted in the army, and assumed to pay every loyal owner of a colored volunteer in a loyal slave State a compensation of three hundred dollars, and this provision was to retroact, and this act had, of course, the approval of the President.

To show how completely the proclamation was assumed to effectuate emancipation from its date, the President enjoins upon all persons so enfranchised to abstain from all violence, unless in case of necessary self-defense, and recommends them in all cases, when demanded, to "labor faithfully for reasonable wages."

The rules of universal public law give to an invading conqueror certain powers over such territory of his enemy as he holds with a certain degree of military occupation and control. Among these powers is one respecting the emancipation of such slaves as are within that territory, and under his military control. It is not necessary to inquire nicely what kind and degree of occupation and control are required to bring these powers into force, because the proclamation is confined to territories beyond our control, and designated as within the control of the enemy. And for the same reason it is not necessary to inquire nicely into the limits of the powers of the conquering invader over the slaves in question. It is sufficient to say that this proclamation assumes to give them immediate and absolute emancipation, in spite of the condition or vicissitudes of the war. It is also sufficient for our purpose to say that no emancipation of slaves can be effected under the war power, except upon the condition of successful occupation. It is not necessary to cite any authorities for such a point. War is a contest of force, and nothing can be done under the war powers of any gov-

ernment which is not effected and sustained by force. The same reasoning applies to the Czar of Russia as to the President or the Congress. The Czar, by his edict, freed every serf in Russia ; but even he, whose will is law, could not have emancipated a serf in his enemy's occupation. The proclamation was in the nature of legislation, an edict professing to rest upon war powers ; but the thing it undertook to do can not be done in that way. It may be done by adequate force, subject to the contingencies of war, but it can not be done by anything which is a mere expression of will, even if that will be the will of an absolute sovereign. It was our policy to close all the Southern ports to foreign trade. It is surprising to remember how many persons thought at first that that could be effected by an act of Congress, and had to be taught that legislation could effect nothing beyond the line of bayonets, and that we could only close the ports by a blockade. So as to all other attempts to substitute will for force in an actual war. No one supposed the President could decree a victory, or proclaim territory to be within our military control and subject to our authority, which was not so in fact. Yet it is somewhat surprising to see how general has been the misapprehension respecting the character and effect of this proclamation. But, on further consideration, it is not matter of so much surprise. This leads us to revert to the state of things at that time, so well set forth by President Welling.

The border slaveholding States in the Union required careful treatment, and received great consideration. The President thoroughly adopted their policy, the object of which was to restore the Union without affecting slavery. In the free States there was a large political party supporting this policy, which, acting with the border slave States, it was feared might at any time obtain the control of Congress, and make a peace favorable to slavery. While this policy was in the ascendant we made little progress, suffered great reverses, and the public mind was in great agitation. The opinion increased rapidly that slavery was the real question at issue ; that it formed the strength and gave the materials to the enemy, and was the one thing that held them closely together—more closely than anything could hold the North together, unless it should be a determination to destroy slavery under the military power. President Welling has described how great was the "pressure" which was brought to bear upon the President in this direction, and how deeply it affected him. We all remember that what was demanded was a change of the policy of the war from the Ken-

tucky policy to the Massachusetts policy ; from that of the border slave States and what may be called the border politicians in the free States, to that of the people who believed that nothing could be done effectually until we took hold upon slavery.

To this pressure the President yielded and issued the proclamation. Was this proclamation what was expected ? It seems, from President Welling's quotations, that Mr. Chase, who had been most earnest for the change of policy, had limited his expectations by the rules of public law, and looked only for a military order which should carry emancipation wherever the flag went, and was surprised at the position taken. Mr. Seward seems to have favored practical emancipation, but to have opposed a proclamation. From Mr. Welles's letters, it is plain that he did not advise it. It would seem, therefore, that in this, as in many other cases, the Cabinet was not consulted. I believe that, if the President had issued a proclamation in the form of a military order, requiring all slaves to be emancipated as fast and as far as the flag advanced, and pledging to the emancipated slaves our utmost efforts to secure them in their freedom, and if he had expressed it with that power and pathos of language of which the untutored Abraham Lincoln was a master, it would have answered the expectations of the country, given him the just fame of a liberator, and raised no question under public law.

I remember that, after the preliminary proclamation of the 22d of September, 1862, I had an interview with Mr. Sumner upon the subject, just before his return to Washington. It was plain that the final proclamation was to come, and I feared, from the preliminary, that it would take the form it did. I presented to him substantially the objections which are now made, but I could not secure from him a serious consideration of the objections. He was under great excitement, and, it seemed to me, was under the impression that there was a necessity overruling all other considerations for freeing all the slaves in the country, and that the proclamation would give them the status of freedom. I can not but think that if Mr. Pierce shall continue his biography to the year 1863, we shall have more light than we now have as to who is responsible for the position taken in the proclamation, and for the pressure which led to its adoption. It is plain that Mr. Lincoln himself, in urging afterward the adoption of the amendment to the Constitution abolishing slavery, doubted the effect of his proclamation. A more careful examination of those biographies and letters which have

lately been brought to light may show whether he was not subject to the same doubts at the time he issued it. I talked with Mr. Seward on the subject after the proclamation appeared, but he made no explanation, and when I asked him why, if it was simply a war measure by the commander-in-chief, he countersigned it as Secretary of State, he replied that that was a compromise, not saying between whom or what, and I did not pursue the subject.

The slaves of the South seem to have made no mistake as to their status. They knew they were not free while their masters held them and the territory. They looked to the gunboats and the Stars and Stripes, and regarded the proclamation only as a promise which would fail or be made good according to the issue of the war. As to the people of the North, they were in no humor to "reason too precisely upon the event." They were impatient under the existing policy, and looked for a change. They saw that change in the proclamation, and cared little in what form it came or what else it undertook to do. They had been disgusted by the advice that had been offered them on constitutional questions by over-technical or semi-loyal men. Jurists had advised that the prize courts were unconstitutional, that no property could be taken, at sea or on land, except in the way of penalty for treason, after a jury-trial; that we could not blockade our own ports; that though an army and a militia were constitutional, volunteers and conscriptions were not; and, at the bottom of all, that the republic could not coerce a State. It is little wonder, therefore, that they were impatient of any criticism upon the proclamation. On the other hand, unquestionable patriots, educated in a narrow school of strict construction—chief among whom was Mr. Thaddeus Stevens—were telling the people that the only way to save the Union was to run the Constitution ashore; and, to ease the conscience of doubters, the phrase "*extra constitutional*" was invented—a phrase which, in logic, meant nothing, and was never heeded by men who studied the Constitution in the light of the letters of "The Federalist," the judgments of John Marshall, the essays of Story, and the speeches of Webster.

Fortunately, the proclamation was never brought to a test. There can be little doubt that foreign states and our own judiciary would have treated it as ineffectual. When the Southern armies surrendered and dispersed, and the Confederate Government had fallen through and was abandoned, and we were in military occupation of all the strongholds of what had been, in the sense of the laws of

war, enemy territory, we were competent, under the rules of war, to emancipate every existing slave. And no doubt the proclamation of January 1, 1863, though such were not its terms, brought about a system of progressive military emancipation, taking effect as we advanced. But for the prohibition of slavery thereafter in the conquered States, under their Constitutions, as well as in the loyal States, very different action was required. The abolition of the slave system, as it stood in the Constitutions of so many States, was beyond the reach of the mere military power of the President or of Congress. It called for the ultimate, sovereign legislative action of "we, the people of the United States," in the form of an amendment of the Constitution ; and this, when adopted, precluded all question as to attempted past emancipation or abolition by proclamation.

I should regret extremely if what I have felt obliged to say should lead any one to think me disposed to join in attempts to detract from the fame of Abraham Lincoln. I never failed to sustain his Administration, when at one time the conservatives, and at another the radicals, stood in threatening or dubious attitudes. His fame as a statesman, an orator, and a liberator, as a man of kind heart and serious thought, is established. Nothing can be added to it by fiction, and it would be simply fiction to represent to the people that the proclamation, as conceived and issued, abolished slavery or emancipated a slave. Knowing, as all do, of the powers of Mr. Lincoln's mind and the sincerity of his purpose, we can not but earnestly desire that further research may furnish satisfactory explanations of what is now a curiosity of history.

RICHARD H. DANA.

THE CENSUS LAWS.

IF the object of the framers of the Constitution had been to form either a consolidated Government, or a confederation of equal sovereign states, the general enumeration of all citizens would not have been a necessary provision of fundamental law. But since the States composing the Union are regarded as equal units in certain views and for certain purposes, while for others their rank and weight are determined by the number of their inhabitants, it became a political necessity to provide for a census at regular intervals. Advantage was early taken of the machinery created by law for this purpose, to gather in addition some statistics of industry and mortality. Before the close of the last century, the American Philosophical Society, of which Thomas Jefferson was president, memorialized Congress on this subject, representing that "the decennial census offered an occasion of great value for ascertaining sundry facts highly important to society and not otherwise to be obtained." It therefore prayed that "the next census might be so taken as to present a more detailed view of the inhabitants of the United States under several different aspects." A similar memorial was presented by the Connecticut Academy of Arts and Sciences, through its president, Timothy Dwight.

Attention to the possibilities of the census having thus been drawn by thoughtful men, a series of tentative extensions of the work has followed. The population schedule was considerably enlarged in 1800, and in 1810 the Secretary of State, then charged with the execution of the work, made the first systematic endeavor to obtain the statistics of the industries of the country. Lack of experience and organization rendered the results of little value, and it was not until 1840 that any reasonable measure of exactness was obtained. The importance of the subject was, however, now so generally recognized, that in 1849 the law was carefully remodeled

in accordance with the recommendations of several eminent statisticians, and the scope of the census was enlarged to include all the varied uses to which modern statistics are applicable. The control of the work was placed under the newly created Department of the Interior, the office of Superintendent of the Census was created, and the value of accurate social, industrial, and civil statistics received a distinct legal recognition.

The census of the United States is an unforeseen development of the germ contained in the Constitution, and the word itself signifies for Americans much more than it did originally. The results of the inquiry which at first were contained in an octavo pamphlet of fifty-two pages, and procured at an expense of \$44,000, were embodied in 1870 in three large quartos and a series of maps and graphic representations, costing in all \$3,300,000. Our decennial contribution to the data of political science is in no wise unworthy of a great nation, although perhaps we can not claim to deserve the eulogium of Moreau de Jounés when he declared that "the United States presented a phenomenon without parallel in history, that of a people who instituted the statistics of their country on the same day when they founded their government, and who regulated by the same instrument the census of the inhabitants, their civil and political rights, and the destinies of the nation."

The new and valuable features of the law of 1850 were the creation of a separate bureau in the Department of the Interior with a single responsible head, and the authoritative recognition of the importance of industrial and economic statistics. The growth of the work was like the growth of the country, in magnitude chiefly. No organic change was made in the machinery, though experience had shown that the plan was radically faulty. The execution of the work was still charged upon the United States marshals, and carried out by deputies who were not directly responsible to the Superintendent. This necessitated, of course, making the judicial districts the primary geographical divisions or census districts; an obviously inadequate arrangement, for in the thickly settled parts of the country the regular work of the marshal's office was too important to allow them to give the necessary supervision to new and extra duties, and in other places the districts were so large that it was impossible to complete the enumeration in the one hundred days contemplated by the law. In consequence the time was necessarily extended, and full returns were not received until nearly a year had elapsed from the inception of the work. The compen-

sation was unequal, and the provision for extra pay was an allowance for mileage at the "rate of ten cents a mile, the whole number of miles traveled to be ascertained by multiplying the square root of the number of dwelling-houses by the square root of the number of square miles in the subdivision," a formula which, though it has a scientific sound, is evidently too rigid and clumsy for practical use, and hardly needs the high authority of Professor Peirce to be pronounced "radically defective and vicious in its underlying mathematical principle." In spite of these disadvantages the census of 1870 is a monument of technical and executive ability. Its merits are largely due to the hereditary talent and energy of the Superintendent, who by a good fortune rare to this republic of political patronage, brings his ripened culture and experience to the supervision of the present one. It is a case in which there can be no rational objection to a third or fourth term.

The law under which the census of 1880 is being taken presents some important modifications, the need for which was clearly shown in General Walker's last report. It still leaves the census office as a bureau of the Department of the Interior, the Superintendent to be appointed by the President and confirmed by the Senate, the clerks and computers to be appointed by the Secretary. The Superintendent divides the country into districts, and the President appoints a supervisor for each district, who also must be confirmed by the Senate. The responsibility would be less divided if the Secretary or the Superintendent appointed the supervisors; but the method of the law is perhaps more in accordance with our theory of the executive. It has worked well, because in 1880 the President and Superintendent were in accord in supposing that the duties of a supervisor were to supervise the taking of the census, and not solely his own canvas for some petty office. But it is not impossible that we may have in the future a President who may regard offices as political rewards.

The supervisors subdivide their districts, and employ enumerators with the consent of the Superintendent. By a regulation of the office, every enumerator is required to report every day by postal card to his supervisor, and also to Washington, the amount of work he has done during the day. The effect of this check on indolence and procrastination will be very great. By it the Superintendent has direct control over the *personnel* of his entire corps, and will be enabled to hold his work well in hand, and to see that every private of his great army is on the march. An enumeration

to be thorough must not be desultory or protracted. General Walker possesses in a marked degree the quality—perhaps the most valuable one in an executive chief—of inspiring his subordinates with a portion of his own zeal. His bulletins of instruction are models of their kind, and go far toward informing the most ignorant with some idea of what a census should be.

The law provides that the “enumerators shall be selected without reference to their political or party affiliations.” This is so new and startling an idea in American politics, that in some districts no Democrat made application. They thought there “was some catch in it.” “They feared the Greeks, even when offering gifts.”

The second important change in the law is contained in the section which authorizes the Superintendent to “withdraw, whenever he shall deem it expedient, the schedules for manufacturing and social statistics from the enumerators of the several subdivisions, and to charge the collection of these statistics upon experts and special agents, to be employed without reference to locality, and to employ experts and special agents to investigate, in their economic relations, the manufacturing, railroad, fishing, mining, and other industries of the country, and the statistics of telegraph, express, transportation, and insurance companies.” This introduces into the theory of census-taking the modern idea of division of labor, and enlarges its scope far beyond the primary conception of a mere instrument to gather material. The machinery, which hitherto has increased in magnitude only, now suffers an organic change, and is differentiated into separate branches adapted to different functions. Its powers for the higher work of classification and induction are developed. In consequence, its efficiency in every department is increased. The enumerators are relieved from a perplexing part of their duties, and are able to keep their minds fixed definitely on the special objects they are best fitted to accomplish. The result must be a more rapid and perfect enumeration, and presumably a more thorough and scientific examination of special branches of industry. And further, it is probable that the entire cost will be less than under the former law.

Under this section, the following subjects have been committed to special experts :

The manufacture of cotton, to Edward Atkinson ; the culture of cotton, to Professor E. W. Hilgar ; the culture of tobacco, to John C. Killibrew ; mining, west of the Mississippi, to Clarence King ;

mining, east of the Mississippi, to Raphael Pumpelly ; manufacture of woolens, to George W. Bond ; coke, glass, and wages in manufacturing and mining communities, to James D. Weeks ; manufactures of iron and steel, to James D. Swank ; the fisheries, to Professor Goode ; prisons, to F. H. Wines ; cities in their industrial aspects, to Professor William Trowbridge ; cities in their sanitary and civil aspects, to Colonel Waring ; railroads, to J. H. Goodspeed ; the production and transportation of meat, to Clarence Gordon ; agriculture, to J. R. Dodge ; forestry and the lumbering industry, to Professor Charles Sargent ; ship-building, to the Hon. John Lynch ; and silk industry, to William C. Wyckoff.

The names of the above gentlemen are a sufficient guarantee of the wisdom of the law, and, if nothing more than a monograph on their specialties were expected from them, it would be a notable addition to the sum of existing knowledge.

The statistics of the production of gold and silver have heretofore been gathered, by reason of the remote and difficult nature of the country where they are mined, chiefly by correspondence, a most exasperatingly insufficient method. The successful establishments are as desirous of concealment as the unsuccessful ones are of exaggeration. The reports of mints and express companies furnish a check on the totals, but the method of sending on to the spot practical experts armed with authority, whose characters are above suspicion, and who are acquainted with the business and with the peculiar types of humanity developed by it, is the only means of procuring trustworthy details. In view of the fact that mining investments are attracting more attention than ever before, and that they are generally made without the slightest reference to real values, the worth of Mr. King's forthcoming report can hardly be exaggerated.

Mr. Pumpelly will furnish, in addition to full statistics of production, a complete set of analyses of the iron-ores of the United States, from samples taken by his experts. These results will not only be interesting in a scientific point of view, as indicating the distribution of the iron-ores, but will furnish a guide to the iron-master as to where he may look for the various ores he needs to combine, and where they can best be brought together for reduction. Hitherto, the State geological surveys have furnished the most reliable information on these points. They have generally been under the direction of competent and painstaking geologists, but their standpoints and nomenclature have differed, and their

efficiency has been hampered by insufficient means and by the necessity of obtaining immediate results. It is to be hoped that unworthy and disheartening jealousies will not tie the hands of the newly established United States geological survey, which aims at coördinating and perfecting the work of the State surveys, now for the most part abandoned.

In addition to statistics proper, several of the special agents gather materials for a general survey of industrial communities and the relations between laborers and employers, as illustrated by trades-unions, strikes, coöperative associations, etc. "The precarious and jealous nature of the union between capital and labor is the most alarming characteristic of modern society." A true understanding of the conditions is the first requisite of any attempt at amelioration. The attention of the public is generally called to labor organizations under circumstances likely to embitter feelings on both sides. The imperfect reasonings and warped judgments of the men, and the violence that is too apt to characterize their actions, prevent their case from being fairly presented. In fact, the public may be said to be substantially ignorant of this most important subject. The great problem for us is "how to make such use of our freedom as to advance to better relations between capital and labor; and the great force of modern civilization is American public opinion."

Political economy is so obscure and complex a subject that inductions can be drawn in it only from the widest range of data. At present, the United States offers the best field for progress in this science. Its reasoners have generally dealt with abstract conditions, the A who sells goods to B, and the C who employs D, forgetting, apparently, that A and B are not equal factors, but bundles of prejudice and ignorance, whose action can not be averaged or predicted. Our country, from the simplicity of its social structure, the mobility and versatility of its citizens, and the fact that it is the largest area in the civilized world where trade is free, is the place where the natural laws of political economy work with the least friction, and where new discoveries will be most readily made. But for that very reason absolutely reliable statistics are especially valuable to the United States.

Whatever the success of the census now in operation—and there is no reason to doubt that it will be very encouraging—one thing is assured: it will demonstrate what are the best methods. The inquiries of the special agents are based on several different plans, and their combined experience must result in an increase of technical

skill and knowledge of gathering statistics. It is no small achievement to bring all the details of an organization like the census office to the highest point of working efficiency. Methods, theoretically perfect, and which would perhaps give accurate results in Connecticut, will fail if applied to Georgia. Questions which seem simplest will prove misleading even to men familiar with the subject. It is as dangerous to ask too much as to ask too little. Trade jealousies will be aroused when least expected, so as to nullify some branches of the inquiry. Hitherto the experience of each successive census has served, in some sort, as a warping port by which to drag the next up to a higher point of excellence. The census of 1880 will be a practical test of an improved method, whose working details must be perfected by experience.

CHARLES F. JOHNSON.

PRINCIPLES OF TAXATION.

THE object of the present article is to consider those features of our plan of taxation which stand in need of such light as may be shed upon them by political economy. Our attention will be confined to those points which seem of most practical importance in the present state of public opinion, and no exhaustive discussion of any special branch will be attempted. We shall begin with some practical hints respecting the objective points at which arguments on this subject are sometimes aimed.

Perhaps the most common error of current thought on the subject consists in considering special kinds of tax as being good or bad in themselves. If the question were tax or no tax, then each system of taxation could be separately disposed of on its own merits. But taxes of some sort must be levied in some way, because the support of government is a necessity. Our conclusions must therefore be drawn by comparing taxes of different kinds, and not by saying that this system is bad or that one good in itself. The only alternative of taxation in itself is borrowing; but this alternative is only temporary, because the money borrowed must eventually be paid by the levying of taxes. Hence it is not at all to the point to prove that any special form of taxation is bad: we may admit at the outset that every possible form is objectionable, without doing away with the necessity of making a "choice of evils."

The first subject which we propose to consider is that of the distribution of the burden under different systems of taxation. In ordinary language, taxes are divided into direct and indirect taxes. Direct taxes are supposed to be those levied on the individual himself, or his property, in such manner that he must personally bear the burden of all he pays. Indirect taxes are those levied on the products he expects to sell to others, and are therefore such, it is supposed, as he may charge to his customers. We frequently hear

it said, in a very general and sweeping way, that whenever goods or services of any sort are taxed, the owner of the goods, or the performer of the services, has only to charge the tax to his customers, and thus free himself of its burden. But the power of doing this is something to be accurately investigated, and not taken for granted in the sweeping form it often assumes.

The question is, Out of whose pocket will any given tax ultimately come, or who will be the real sufferers, not only with respect to the money which they have to pay, but with respect to the relation between their income and the cost of the commodities they have to consume? The total amount of taxes contributed by each individual will comprise not merely the obvious items of money paid to the collector and increased cost of articles necessary to comfort, but also a possible disturbance of the demand for his commodities, or a change in his power of acquiring wealth from his fellow men. In fact, it not infrequently happens that the levying of a tax puts money into the pockets of individuals. A familiar instance of this is seen when a new or increased tax is levied upon goods already in the hands of manufacturers or dealers. In this case, the market value of the goods may be suddenly increased by the whole amount of the tax without any effort whatever on the part of the holders. It is evident, in such a case as this, that the consumers will at first be sufferers without the government gaining anything. I cite this merely as an illustration.

The power of charging a tax to customers will depend upon the nature of the things on which it is levied, or upon the subjects of taxation : a classification of tax-systems with respect to these subjects is therefore necessary. For our present purpose we may divide most of the taxes levied under our system into three distinct classes, namely :

a. Taxes levied on Individuals.

These include not merely poll-taxes, which are now nearly obsolete, but taxes of all sorts which are levied either on special persons or on every one, without respect either to the value of his property or of his income. The distinctive feature of such a tax is, that it is independent of the ability of the payer. The principal taxes of this sort now existing are the licenses required for the practice of particular trades or professions. It will be observed that the license required of a liquor-dealer or tradesman of any sort is not dependent upon the amount of his possessions or upon

his ability, but is demanded of him simply as an individual engaged in a certain business. This is the peculiarity of what we may consider a personal tax.

β. Taxes on Production.

These include the excise and customs duties on productions of specified classes which, under our system, form almost the sole revenue of the General Government. Customs duties are included with those on home products because the fact that the production is that of a foreigner makes no difference in the application of the general principles we are to elucidate. The income-tax is to be included under this head, because each man's income is to be regarded as the equivalent of his entire productiveness, whether it is derived from his own powers or from an hereditary capital.

γ. Taxes on Accumulated Property.

There is this very important difference between a tax on production and one on accumulation: that the former is paid only once on each dollar of value produced, whereas, under the latter, every dollar saved has to make an annual contribution to the public treasury. No matter how large a percentage we levy on production, it can be borne, because the producer will always have the balance free from all future taxation so long as he chooses to keep it. But if the tax on accumulated capital should exceed the rate of profit to be derived from its use, there would be no object whatever in saving it, since the proceeds of everything one saved would have to be given up to the Government.

Taxes of each class are to be subdivided according as they are levied; firstly, on sums total expressed in money without respect to the particular things produced or possessed; or, secondly, on specially designated products. Among taxes on production an excise and customs duty is levied on special products—as tea, liquor, or tobacco. Such a duty, levied on the total product without respect to the things produced, would be in effect the equivalent of an income-tax. Again, we must distinguish taxes levied on special kinds of property, as real estate, bonds, or moneys, from those levied on the sum total of one's possessions without respect to the form in which those possessions are held. Thus, all three of the classes we have described may be divided into two orders: the one being those of which the subjects are sums total; the other those of which the subjects are specially designated persons or products. This double

classification will be made more clear by presenting it in a tabular form.

CLASSIFICATION.	ORDER A.—Taxes on totals, or unlimited taxes.	ORDER B.—Taxes confined to designated subjects.
CLASS α .—Taxes on persons.	Tax on every one of a certain age or sex (poll-tax).	Taxes on designated occupations (licenses).
CLASS β .—Taxes on production.	Tax on total production of every individual (income-tax).	Taxes on designated products only (customs, excise, duties).
CLASS γ .—Taxes on accumulation.	Taxes on one's whole possessions, without regard to their character.	Taxes on designated kinds of wealth.

The reason of the distinction between orders A and B in all classes of taxes, is that when taxes are levied on totals of any kind, as in order A, they can not be lawfully evaded ; while, when levied on especial productions or especial kinds of property, as in order B, it may be possible for one to confine himself to the production of untaxed articles or to put his wealth into an untaxed shape. For instance :

A tax on all males over twenty-one years of age can not be evaded. But a tax on liquor-sellers can be evaded by the liquor-seller giving up his occupation. A duty on imported cloth can be evaded by ceasing to import it, and one on native cloth by the manufacturer engaging in some other pursuit. But a tax on gross or net profits can not be evaded by a mere change of pursuit. A tax on carriages can be evaded by putting money in something else than carriages, but, where gross capital is taxed, a mere change of investment will not bring relief.

In our consideration we shall begin with taxes levied on designated things (order B), because the effects of such taxes can be most readily traced. Let us suppose a certain commodity, no matter what, which we may call C. In an untaxed society a certain quantity of C will be produced and sold in a year. Let us call Q this quantity and P the price per unit of quantity, so that P is the untaxed price. The total value of the product will then be $Q \times P$. Now, suppose a tax to be levied on C. The common impression is, that the manufacturers of C will simply add the tax to the price P,

and thus collect from their customers all that they pay the Government. But the producer may find a difficulty or disadvantage in thus increasing the price of his product. The subject seems to be thought of as if any producer could at will charge any price he pleased for his services. Now, we know that, as a general rule, the price at which any individual sells his services or his goods is the highest he can advantageously command. He may take into consideration not merely his own immediate interests, but also the future interest of his own trade or profession ; but, whatever his objects, we may be sure that his price is the maximum which will be consistent with their attainment. Hence, before the tax is levied, the price P is the highest which the manufacturer can command for his product without incurring some disadvantage. It is also clear that he can not advantageously add the whole tax to his price unless his competitors, who are also making the commodity C , unite with him in charging the higher price. If he did his custom would go to them. We must, therefore, inquire how, under the varying conditions which affect the supply and demand of different commodities, the equilibrium of price, supply, and demand, will be restored when the tax is levied.

We may assume that, in the first place, all the producers of a taxed article will attempt to add the tax to the price. If this addition caused no falling off in the demand, it would be made without difficulty, and production and consumption would both go on undisturbed—the price being raised by the whole amount of the tax. But we know very well that this is not the rule. Every increase in the price of a commodity leads people to economize in its consumption, either by going without the gratification which it yields, or by substituting some cheaper commodity for it. If this falling off in the demand were the same for all commodities, the problem would be a comparatively simple one. But we know that it is not. There are some articles the consumption of which is but slightly affected by changes in price. Such are tobacco, stimulants, condiments, medicines, and in general all commodities the habit of consuming which becomes deeply rooted, and for which substitutes can not be found.

There are other commodities, the total consumption of which will fall off rapidly as the price is raised. Among these we may include all luxuries which people can dispense with and not suffer serious inconvenience. Articles of food for which substitutes can be found, and articles of clothing which can be made to wear longer,

may be included in this class. These are the things on which people economize when they feel the pressure of hard times.

To give precision to our ideas, we may call those articles—the consumption of which rapidly diminishes when the price is raised—*sensitive*, and those of which the consumption is but slightly affected by changes in price, *insensitive*. Of course, we can not thus form two completely distinct classes, because different commodities have every degree of the quality which we call sensitiveness. The difference is therefore one of degree, not of kind. It is upon the degree in which a commodity possesses this quality that its taxability will depend. ✕

In the case of insensitive articles there is no difficulty in collecting the tax from the consumer. The producers, on adding the tax they have paid to the price, find no falling off in the demand, and thus the levy of the tax causes no disturbance in the market. The economical questions connected with the taxation of such articles are therefore very simple, and the latter are in all countries the favorite subjects of taxation.

In the case of sensitive articles, the attempt on the part of producers to add the whole tax to the price will result in a falling off of the demand. One of two things must then follow : either the producers must submit to a smaller profit, paying the whole or a part of the tax out of their own pockets ; or, the production must be reduced until the article becomes so scarce that consumers are willing to pay the tax. In the latter case some of the producers must seek another employment. Which of these alternatives shall be accepted will depend on the conditions of production. As a general rule, neither of them will be accepted in its entirety, but the compensation will be effected partly by the falling off of production, and partly by the remaining producers assuming a portion of the burden of taxation. But there may be any approximation toward one extreme or the other, and we have next to inquire into the conditions of final equilibrium.

Whether the equilibrium shall be restored by diminishing the number of producers, or by the latter paying the tax themselves and selling at the old price, will depend upon how far the elements necessary to production are, in an economic sense, monopolies. We call to mind that an economic monopoly consists not simply in a grant of some privilege, but in the possession of any special knowledge, faculty, device, or machine whereby one is enabled to gain larger profits than he could gain in any other pursuit. If the prod-

uct is a complete monopoly—if, for instance, it is a patented article, or if it is a thing which only one person or combination has a knowledge how to make—one effect will be produced. If it is a thing of which every one can engage in the production without either legal or practical difficulty, another effect will be produced. We shall find the result to be that the more the production of the article is a monopoly, the greater the proportion of the tax which will be paid by the producer.

At first sight this may appear paradoxical. The ordinary idea will be that the producer of the monopolized article, being quite at liberty to fix his own price, can most readily charge the whole tax to purchasers, and that, therefore, it is upon a monopolized article that the tax will most surely be paid by the producer. But we must remember that without the tax the producer of the patented article is supposed to charge the highest price which he can command, or which it is to his advantage to charge. He will therefore find it to his disadvantage to increase the price by the whole amount of the tax. Possibly the falling off in the demand might be so great as to entirely destroy his business should he attempt such a course. Any one possessing a real and effective monopoly is, without the tax, making a more profitable use of his monopolized powers or privileges than he could make in any other business, and is therefore able to pay the tax without being driven out of business. On the other hand, where competition is entirely free, it is to be assumed that everything is being sold at the lowest price for which it will pay to produce it. Therefore, when we tax such productions, those producers who are making the minimum of profit will not be able to pay the tax at all, and, if they find by trial that they can not collect it from their customers, they will have to go out of business. Such a number will therefore go out of business that the diminished production shall correspond to the demand with the increased price.

The result to which we are led may be summed up as follows : There are two extreme cases in which a tax upon special products is paid entirely by the consumer, namely :

1. When the product belongs to the insensitive class on which the consumer will not economize, and in which demand is therefore undiminished by an increase of price.

2. When the products taxed are those of which the price is, by free competition, brought down to the lowest limit, so that producers can not afford to pay any part of the tax, and, when they find

demand falling off in consequence of increased price, will be compelled to betake themselves to some other business. But the agencies by which the tax is thrown upon the consumer are very different in the two cases. In the first case, there is no diminution of production and consumption; in the second, the tax is added to the price through scarcity, so that in this case there is a diminution of production which does not occur in the other.

These two cases are each an extreme of a series. On the one side, they are at the end of the series of products possessing a continually diminishing degree of sensitiveness; on the other side, they are at the end of the series of products marked by a continual decrease in the number and importance of monopolized elements entering into their production. The rule is therefore that while, in these extreme cases, the tax may be wholly paid by the consumer, in general a greater or less portion, depending upon the conditions of production and consumption, will have to be borne by the producer.

Our next problem is to consider the effects of taxes on gross amounts of production, without respect to the individual things produced. The levying of such a tax is extremely difficult, owing to obstacles in the way of learning what the gross production of the individual is. If each individual worked only on his own account, and sold nothing but his own products, he would himself have little difficulty in ascertaining the total amount. But such a simple case as this is entirely exceptional. Wherever production is carried on upon a considerable scale, many persons have to be employed and much money expended, not only for their labor, but in the purchase of raw material. We must, therefore, to determine the actual total production of the individual, go through a complex calculation, of which the result will always be uncertain. Hence, the more complex production becomes, that is, the more advanced the state of society, the greater the difficulty which must be experienced in determining what the actual production of an individual is. Economically considered, total production may be regarded as identical with the individual income. The tax on such production is therefore nearly the same as an income-tax. As this tax is frequently a subject of practical discussion, we may devote a little attention to it.

The first thing to be said of the income-tax is, that it is, in its aims, the most equitable tax of all. In fact, the very problem which the statesman has in view when he seeks to levy a tax is, to levy according to the wealth-producing power of the individual.

This power is measured by the individual income, and thus a tax on income is really what should be, in most cases, aimed at. Indeed, a tax on commodities, if assessed on everything produced, would be nearly the same as an income-tax, because it would be distributed among society pretty nearly in proportion to incomes.

But when we consider the practical working of an income-tax, we find it to be the most unfair and demoralizing one that can be levied. It is one of the first requirements of a proper system of taxation that the amount which each man has to pay must be determined, so far as possible, independently of his own judgment. When the individual is called upon to communicate to the collector the data for assessing his taxes, a premium is offered for a failure to perform this duty. Every one knows that a not inconsiderable portion of the community will therefore fail to pay the tax. This knowledge will lead others not entirely devoid of conscience to fail also, because they know that if they make their returns they will really pay more than their share. The very fact that the tax requires a statement in which the individual is to be truthful at his own expense, renders it an unfair tax in the present state of society, and leads many who, in a better state of society, would scorn a delinquency in this respect, to consider that they are not bound to be any better than their neighbors. We may look forward to a stage in human progress in which every man will send the tax-collector semi-annually a check for the amount of his contribution, as determined by law, without the necessity of any assessment whatever. But we do nothing but mischief by assuming that we have reached this stage and acting accordingly.

This feature, however, of requiring the individual to levy his own tax, as it were, is one of the least of the difficulties in the way of a fair income-tax. How conscientious soever we may suppose every member of society to be, there is a difference between one's income proper and his income as generally understood by law. This difference is a matter of scientific interest, apart from any question of taxation; it is, therefore, worth understanding. The question turns upon the definition of income. Ordinarily, one's income is measured by the moneys which he receives from selling his labor or its product, after subducting that which he pays out for materials, or assistance in production. It might, in simple forms of business, be reached by a careful examination of accounts. But that this is not necessarily the actual income from an economical point of view will be evident if we reflect that an isolated family,

possessing plenty of machinery and capital, may be able to supply nearly all its wants by the labor of its members, and thus be enjoying what is the equivalent of a good income, and yet receive very little in the form of money from others. The point of difference is this : One's real income is what he actually produces, no matter whether used by his own family or others. His income, as ordinarily measured, is one derived from what he receives in money by selling his goods. Thus, the latter omits all that portion of the products of labor which the individual, or the combination of individuals, devotes immediately to his own use. What this portion is depends upon the nature of the society in which the individual is placed, and the character of his pursuits. If there were no such thing as exchange, except between members of the same family, there would be no estimated income by the usual method. Where one's occupation is such that he consumes no appreciable portion of his own products, the two methods of determining the income become identical. This is the case with professional men, and indeed with people generally who live in cities. The lawyer does little or no legal business for himself personally, the physician saves little by attendance on his own family ; the supplies which any dealer furnishes his own family form but a small part of their annual wants ; and the laborer who works for hire or the clerk who serves on a salary, consumes none at all of his own products.

But when we go into the country we find the case to be quite different. Very frequently a family may be found living in comparative affluence with a minimum of taxable income. Their stud of horses, which, in the city, might represent a moneyed expenditure of five hundred dollars per year or upward, are supported from their own farm and by the labor of their own servants. A large part of their food is produced at home, and not obtained by purchase. Their servants are supported in great part from the products of the farm ; if they do their work on shares, they may be entirely supported in this way without any expenditure of nominal income on the part of the owner. With the aid of their combined labor the owner continually adds to the value of his farm by repairing buildings, erecting fences, and fertilizing the ground, without paying out any considerable sums of money. He may thus have no taxable income whatever, although in reality wealthy.

Now, in reality, all this wealth produced and enjoyed on the spot is as much an income as if it were sold for cash. It must be taken into account to measure the wealth producing power of the

owner. Hence, to levy the equitable income-tax which is desirable, it would be necessary, at least in the country, to determine not simply the value of the products sold by the farmer, but the value of everything produced upon the farm, and either consumed there without being sold or put into permanent improvement. The difficulty of distinguishing between improvements and simple repairs of loss would be such that the tax would be an entirely impracticable one. The general result is that an income-tax is, at least in this country, almost a pure fiction. When attempted, it is collected solely from certain classes of individuals, mostly dwellers in cities.

So far as we have yet considered the subject, the entire burden of taxation on any given article is borne entirely by the producers and consumers of that article, and not by the community at large. Will the distribution go further, or will it not? To take a concrete case: Let us consider the tax on tobacco. Will any part of this tax be paid by those who are neither producers nor consumers of the article? By the very theory on which this tax is levied, consumption is not materially affected. The smoker will have his pipe or cigar, no matter what he has to pay for it. A tax on tobacco is therefore paid in the first place entirely by those who smoke it, and no one else is affected. Is there any way in which the smoker can make his neighbor who does not smoke bear a part of his burden? Since, in the long run, the same total of taxes must be collected, and the only question is on what article they shall be levied, we must, in supposing the levy of an increased tax on tobacco, also suppose a diminution of the tax upon other products. Let us take food as typical of these other products. When we take the tax off of it, we make it cheaper to every consumer. Thus the consumers of food, for the moment, all gain by having to pay less money for it, while the smokers of tobacco lose by having to pay more for what tobacco they consume. The income of each class remains unaltered by the change, the effect of which is simply to increase the expenses of the smoker, and diminish those of the ordinary eater. If the former could make the latter pay his surplus to him without his giving any labor in return, the equilibrium would be restored, and the tax divided between the two. But this can not be done unless the smoker will change his habits, which, by hypothesis, he will not do. It is true that the eater must in some way spend the money which he saves by being relieved of taxation, and the smoker must go without some other articles, in consequence of the higher price which he has to pay for the tobacco. With this increased

enjoyment of the eater and diminished enjoyment of the smoker we reach the end of the economical chain of causes as dependent on the change of tax. The general money equilibrium in the community is restored, but the eater has the sole advantage of the commodities he receives in exchange for the increased sum of money he can devote to other wants than those of food, while the smoker has to go without something. Thus the effect of the tax is that certain commodities, no matter what, which without the change of tax would have been consumed and enjoyed by the smoker, are now consumed and enjoyed by the eater. Clearly, the latter reaps the whole advantage. The smoker may indeed earn his tax back by increased labor, but the existence of the tax will not help him in the matter.

This same conclusion will be reached if we consider the relations of any other pair of commodities. Let us take food and sewing-machines, for example. If we take the tax off of food and levy it on sewing-machines, the eater is relieved in precisely the same way as before. What he gains is paid partly by the manufacturer and partly by the user of the machine on which the new tax is levied. The manufacturer is in the same position with the smoker just supposed, so far as his share of the tax is concerned. He is obliged to sustain the whole loss of the tax which he pays, because he can not levy it on any one else except he changes his occupation. This he will not do, because he is already making a larger profit, owing to the rights which he possesses and the skill which he has acquired, than he could make in any other occupation.

The maker's share of the tax is not, however, the whole tax, but the whole tax diminished by the increase of price which he puts upon his machines. This latter tax is paid by the user of the machine. The latter, however, will have the power to transfer it to his customers because, since the tax is levied on all sewing-machines, the price of everything a machine produces may be raised, and the wearers of shirts have to pay a higher price for them. We will notice that, in fact, a tax upon machines is effectively a tax upon everything which the machine produces, and is therefore divided among all the consumers of the product.

Thus we see that the popular opinion that taxes of all sorts are distributed among the whole community, no matter what articles they are levied upon, and that every one who is taxed can distribute a portion among his neighbors by charging more for his services, is altogether too hasty. A tax on each class of articles, so far as paid

at all, is paid by the consumers and producers and by no one else. Some will see in this an argument in favor of taxing luxuries which the consumers will not dispense with ; others an argument against it. There is, undoubtedly, a strong and natural feeling that by making the consumers of wine and liquors pay more than their share of the expenses of government, we are administering a mild punishment for their appetites, which is all the more justifiable in that they are compelled to pay it only by gratifying the appetite. If we view this subject from the side of the let-alone principle, and admit that every man has an equal right to his tastes and appetites, and that it is nobody else's business how he indulges them, such a tax appears inequitable. But the natural way of thinking of the community is not in this direction. It is the old story over again of attacking the weak rather than the strong. The slave of his appetites, who is obliged to pay whatever is demanded of him as the condition of his gratifying them, is, in a certain sense, a weak man when compared with his temperate neighbor to whom nothing is a necessity. The very same impulse which leads us to levy upon the weak rather than the strong will justify making the consumer of whisky pay more than his share of the expenses of government.

The third class of taxes we have to consider are those levied on accumulated capital, or on the accumulations of the past in whatever form they may happen to be. The great difference between the effect of such taxes, and of those levied on production simply, consists in this : the tax on a thing produced is paid once for all, and the owner can thereafter hold it free for ever, while, when capital is taxed, the owner has to pay a perpetual annual penalty to the Government for possessing it. When, however, we consider the interest which all accumulated capital is assumed to be earning, we may regard this difference as one of degree rather than of kind. Excepting those luxuries which will both morally and economically pay a heavy excise, a tax of five per cent. on domestic productions would probably be considered a very heavy one. If, then, capital were taxed at only five per cent. on the net rate of interest it might be supposed to earn, the two classes of taxes would be equalized. Judging from the rate at which the public is now anxious to take Government four per cent. bonds, the actual net profit on capital, after deducting the expense of management and the risk, is only from four to six per cent. Five per cent. of this would be only from two to three tenths of one per cent. per annum. Such a tax would, however, among us, be considered an extremely moderate

one. It is evident that, if the tax is equal to the whole rate of interest on capital, the producer is left no motive to accumulate, since all the results of his savings are seized by the Government, unless, indeed, he is able to add his tax to the regular rate of interest on capital. When he can do this the tax is distributed, just as it is distributed when taxed articles are sold at a higher price.

We have, then, to consider to what extent and under what conditions the capitalist who is taxed can collect his assessment from those whom his capital supplies. To reach an intelligent and well-grounded conclusion on this point, we must inquire into the circumstances which determine the accumulation of capital.

Considering an individual member of society as seeking merely his own gratification, the fact is very generally overlooked that the motives impelling him to save are not so urgent as those impelling him to consume. This is because he has no immediate motive to save, for the simple reason that, under our system, he can avail himself of the savings of others by paying the current rate of interest. If he is not able to build himself a house, he can rent one belonging to another at so low an annual rental that, considering simply his own chances of life, and of the future enjoyment of anything he might save, it will hardly pay him to save money to build a house. The same remark applies to nearly every form which the accumulations of past labor may take in order to be made useful at the present time. That propensity of the civilized man which is so commonly considered the essence of selfishness, the propensity, namely, to accumulate wealth, is in its actual effects more beneficent than any other human impulse. As a general rule, the most charitable purpose to which a man can put his money is to find for it the best paying investment he can. The interest which it pays him is an index of the amount of good his money is doing to his fellow men, and the more he receives the greater the good to others. When, in familiar parlance, he "spends his money freely," he spends it all on himself; when he invests it he allows others to reap all the benefits of it. Leaving out the morbid propensity to accumulate coin, which is now nearly unknown in civilized communities, the only motive one has for accumulating is the interest which he is thus to gain. When one comes into possession of a sum of money it is entirely optional with him to spend it on his immediate personal wants, of which he has a great number ungratified, or to save it for the future. If he can gain no interest on it, it is clearly better for him to enjoy it now while he can, because, at the best, he will get

no more enjoyment out of it in the future, and may in the mean while lose it entirely—or die, and thus fail to enjoy it at all.

It is a curious fact in this connection, to which I have before called attention in this "Review," that the rate of interest has never permanently fallen much below the limit at which a young man would no longer be able to gain an interest equal to his capital during his probable life. Thirty or forty years ahead is about as far as the average man appears to look when he considers whether he shall enjoy his earnings now or save them for the future.

A general conclusion from this view of things is that the immediate cause of the increase of capital is the interest which may be gained upon it. Lessening this interest by a tax, we lessen the motive to accumulate in a far greater ratio than we would lessen the disposition to produce by levying a corresponding tax on production. The reason is that, to the individual, accumulation is less necessary than production.

Therefore, looking at the matter in the broadest light, the result is that a tax on accumulated property may be considered as paid by the owner, or by the public who get the benefit of the capital, according to our point of comparison. The capitalist may not be directly able to charge a higher rate of interest, and thus, considering only the immediate effects of the tax, he may have to pay the whole of it himself. But the result of this will be that the increase of capital will be discouraged; a scarcity will then result which will raise the rate of interest; and it may happen that the scarcity will continue until this rate is increased by the whole amount of the tax. It is of course impossible to lay down any exact law of the subject, like that which governs production. The very fact that the increase of capital is very slow and includes the work of a whole generation in its scope, renders our conclusions a little indefinite. But I think there can be no reasonable doubt that taxes on accumulated property do in the main act in this way. And, a point especially to be borne in mind is, that in our reasoning we have supposed the tax to be levied on capital universally, without any exception whatever. Of course, a tax levied specially upon capital employed in certain designated ways might be wholly or partially transferred to the consumers of the product in the same way as a tax on production.

SIMON NEWCOMB.

PRINCE BISMARCK, AS A FRIEND OF AMERICA AND AS A STATESMAN.

PART II.

PRINCE BISMARCK passes for a man of inflexible character, self-assured, without ever a doubt or scruple concerning either his aims or his results. Many suppose that he must look back upon his deeds and creations as on the seventh day God the Father contemplated the world he had made. This I will not dispute. But he has also hours of weakness, moments of apparent or real dissatisfaction with his own performances or with his fortune—sad, or rather depressed moods, which take the form of despondency. The strong Prince Bismarck is then transformed into a wearied Prince Hamlet. Anon he strongly reminds us, in certain respects, of Achilles sulking in his tent before Ilion, or of the exclamation of the preacher, Solomon: "I looked on all the works that my hands had wrought, and on the labor that I had labored to do; and behold all was vanity and vexation of spirit, and there was no profit under the sun." It may be that these moods are the expression of a mystic process in his soul, of a sentiment akin to that of the philosopher who said, "The more I know, the better do I see how little I know"; but, possibly, too, they are simply the result of physical causes; over-excitement, exhaustion, disturbance of the nervous system.

One evening at Varzin, after contemplating for a while the darkening horizon, he complained to us that he had derived little pleasure or satisfaction from his political labors, which had won for him no friends, which had brought happiness to no one, either to himself, to his family, or to others. We expressed dissent, but he went on to say that "on the contrary, they had made many unhappy. But for me three great wars would not have occurred, eighty thousand men would not have fallen in battle, and parents, brothers,

sisters, widows, would not have mourned." "Nor sweethearts," some one added. "Nor sweethearts," he repeated, in monotone. "That, however, I have settled with God. Still I have reaped little or no happiness from all that I have done ; but, on the contrary, much vexation, anxiety, weariness, and ill usage." He continued for a time in the same strain. The rest of us were silent, and I was surprised. Subsequently I learned that of late years he has repeatedly expressed himself to the same effect.

In his correspondence, too, we find evidences of this Hamlet mood, and at a rather early period of his life. When, in 1859, Austria was defeated in the war with France and Italy, and Prussia was preparing to help her, Bismarck, who rightly thought that no good would come of it, but who, at that time holding a subordinate position, was unable to revoke a step that afterward was rendered unnecessary by the Peace of Villafranca, wrote as follows : "God's will be done ! but the whole thing is simply a question of time. Nations and individuals, folly and wisdom, war and peace, come and go like the waves, but the sea remains. Truly, there is in this world nothing but hypocrisy and jugglery ; and whether it is a fever or a bullet that does away this mask of flesh, off it must come, sooner or later, and then an Austrian and a Prussian will be so much alike, provided they are of the same stature, that it will not be easy to distinguish them. Even fools and wise men, when reduced to skeletons, are very much alike. This consideration, it is true, does away with special patriotism, but even now we should be driven to despair were our happiness to depend on that."

We find in these utterances much that points toward a characteristic trait, which forms the groundwork of the whole nature and action of our hero, and on which I propose to throw a little light. In him, the sense of the vanity of all human and earthly things is associated with the belief that beyond them or within them is a Something higher, a firm, everlasting stay and comfort for toiling, fighting, suffering man ; above the incessant changes of terrestrial things, a divine loadstar that never quits its place, whose light is unalterable ; on this he must keep his eyes ever fixed if he would at all times find the right way to that which will afford peace and safety to himself and to those for whom he labors, and fights, and suffers. In other words, Bismarck is a God-fearing man who seeks his strength in religion, who bases his political action upon religion, and who lives in the conviction that death is only the passage into another life, for which the present should be a preparation.

On his first appearance upon the stage of politics he expressed this conviction in the most definite terms. On June 15, 1847, he made a speech in the Landtag, in which, among other things, he said: "I am of the opinion that the idea of the Christian state is as old as the *ci-devant* Holy Roman Empire, as old as any European state; that it is the very soil in which those states struck root; and that the state which would have its permanence insured, which would even justify its own existence, must rest on the basis of religion. To me, the words 'by the grace of God,' which Christian potentates put after their names, are no empty sound; but, therein, I see the acknowledgment that princes desire to wield the scepter which God has intrusted to them in accordance with his will. But I can only recognize as God's will what is revealed in the Christian gospels; and I hold that I am justified in calling that a Christian state which sets itself the task of realizing the teaching of Christianity. If a religious basis is recognized for the state at all, that basis, in my opinion, can only be Christianity. Take away from under the state this religious basis, and you have only a casual aggregate of rights, a sort of bulwark against the war of all against all—an idea entertained by the older philosophy. But then its legislation will not refresh itself at the primal fount of everlasting truth, but will conform itself to the vague and fluctuating notions of humanity that happen to be current at the time in the minds of rulers. In such a state I do not see how communistic ideas about the immorality of property, and the high ethical value of theft as an attempt at restoring man's original rights, can be denied the opportunity of asserting themselves whenever they feel in themselves the power to do so. Such ideas are esteemed rational by those who hold them; indeed, they are regarded as the highest result of human reason. Let us not, therefore, gentlemen, derogate from Christianity in the eyes of the people by showing them that it is not essential for their law-givers;* let us not deprive them of the comforting assurance that our legislation has its source in Christianity, and that the state aims at the realization of Christian teaching, though it may not always attain that end.

Thus Bismarck held that a state without a religious basis is unthinkable, that the religious basis of European states is Christianity, and that their object is the realization of Christian sentiments and of Christian habits of living. The justness of these

* The matter under debate was the conferring of active and passive electoral rights upon Jews.

propositions is indisputable, though the orator did not make proper application of them at the time. It did not follow from the Christian character of the modern state that people must uphold an arbitrary theologico-political system which in the reign of Frederick William IV had identified itself with the idea of a Christian state and had usurped its name. Bismarck held this erroneous opinion then, but subsequently he repudiated it together with other errors of his youth. But what gives special significance to this speech is the stress he lays upon revelation in view of the instability of earthly truth. Here we discover a marked feature of his character. Certitude is vital air for the hero, and creative action is impossible if the convictions of the worker do not rest on the firmest foundations. Luther's whole nature finds expression in the first verse of his hymn—

“Ein' feste Burg ist unser Gott.”

There have been heroes who presumptuously or under the guidance of unconscious necessity have found in themselves the law of their conduct, and then would fain make that law the law of their nation, or, like Napoleon I, of all nations. Other heroes have taken the moral code, the conscience, of their countrymen as the rule of their own life and conduct: of these is Bismarck. But God dwells in the conscience of nations. With him, Kant's “Categorical Imperative,” the leader of Prussian and German politics has triumphed over all hindrances to his great reformatory work. With eyes steadily fixed on him, and through intimate communion with him, who is the source of all fidelity to duty and of all moral power, he has gone on from victory to victory.

Thoughts of like tenor with the above have been again and again expressed by the Chancellor during his maturer years, both in public and in private life. When in March, 1870, there was a debate in the North German Reichstag on the abolition of capital punishment, Bismarck spoke against a measure dictated by the humanitarianism of the day. “If,” he said, “I were to represent the impression the debate has made on my mind, I should say that the opponents of capital punishment overrate the value of life in this world and ascribe too great significance to death. I can understand how the death-penalty should seem harder to one who does not believe in a continuance of the individual life after the death of the body, than to one who believes in the immortality of the soul he has received from God. But when I consider the question more

closely I can hardly accept even this view. For him who possesses not the faith which I from my heart confess, that death is a passage from one life into another; and that it is competent for us to give to the worst criminal on his death-bed the comforting assurance, *Mors janua vitæ*—for him who shares not in this conviction, the enjoyments of this life must have such value that I almost envy him the sensations they yield to him. His occupations must produce for him results so satisfactory that I am unable to enter into his feelings when, fully assured that his personal existence terminates for good and all in death, he finds it worth while to live on.”

The orator made an allusion to Hamlet’s soliloquy, and then quoted a passage or two from Schiller. “I have felt to-day,” he said, “that the saying of the poet, ‘Und setzet ihr nicht das Leben ein, nie wird euch das Leben gewonnen sein’,* and that other saying, ‘Das Leben der Güter höchstes nicht ist,’† have among us fallen into oblivion, buried in a wilderness of what, in my opinion, is a false sentimentality.”

These judgments, I take it, pronounced by this man in a tone of unalterable conviction, place before us a character that recalls the nobility and the grandeur of the ancients, and the hearty contempt of the world shown by the early Christians, when with serene composure they entered the horrid *cavea* of the Colosseum, whence there was no return. Amid his temporal concerns ever mindful of eternity; by his faith in this ever armed against vicissitude; a calm, tranquil personality, a mariner directing his course by an unerring compass—such is Bismarck; and in truth only such a genius could achieve success where hitherto the German people had wrought in vain, where many eminent men had striven to no purpose, where so many valiant Germans had sacrificed that which, though not the highest, is still a high good.

Even within the last few years Bismarck has made public profession of the same principles which he first declared thirty years ago. He is no longer by any means the representative of the hierarchical orthodox party, but he is as he always was a sincere Christian. “Christianity, not creeds,” said he to me on the 5th of October, 1878. He seldom goes to church, perhaps out of regard for his health; but in 1870, before going to the war, he felt the need of nerving himself for the combat by partaking of the Lord’s Supper. Further, I would quote one remark made by him on October 9, 1878,

* If you do not plant life, you will never reap life.

† Life is not the highest good.

in the debate upon the socialist law : "If I were to accept the belief held by these people—For myself I will say that I lead a busy life, my position is satisfactory, and yet all this could not inspire me with the wish to live another day were it not that I possess that which the poet calls 'a faith in God and in a better future.' Rob the poor of that, and you predispose them for that weariness of life which finds expression in deeds like those we lately witnessed."

But Bismarck gave the strongest and the most emphatic proof of his strictly religious mind and heart on that memorable evening at Ferrières, as recorded in my book, "Graf Bismarck und seine Leute" (vol. i, p. 208). I will here recount rather more in detail the main points of that conversation.

It was September 28th, and we were at dinner. The company had been talking of matters more or less indifferent, as pheasant-shooting, champagne-punch, etc., when the Chancellor turned the conversation to graver topics, and at last began a longer discourse, suggested, as to the metaphor with which it began, by a spot of grease on the table-cloth ; and which at times assumed the character of a dialogue between the Chancellor and his kinsman, Herr von Katt, who sat beside him. Bismarck said—and I report him *verbatim*, for I took down his remarks stenographically : "The grease-spot (*scilicet*, the feeling that it is a noble thing to die for country and honor, even without recognition) is sinking deeper into the people now that it is soaked with blood. The corporal has essentially the same sense of duty as the lieutenant and the colonel, that is to say, among us Germans. With us this runs through every stratum of the nation. The French are a mass easily brought under the control of one man, and are then a great force. With us, each one has a mind of his own ; but when, as now, Germans are in great numbers of one mind, they can be relied upon for mighty enterprises. If they were *all* of one mind, they would be omnipotent. . . . The sense of duty in a man who submits to be shot dead, alone, in the dark (meaning, no doubt, without thought of recompense or glory for steadfastly holding the post assigned to him—without fear or hope, and with eye single to his duty), this the French have not. It comes of the residuum of faith in our people—of the fact that I know there is One who sees me, even when the lieutenant sees me not."

"Do you believe, Excellency, that they really reflect on this?" asked the Landrath von Fürstenstein, one of the guests.

"Reflect? No ; it is a feeling, a humor, an instinct—what you

please. If they reflect, it is gone ; they argue themselves out of it. How, without faith in a revealed religion, in God who wills what is good, in a Supreme Judge and a life to come, men can live together harmoniously, each doing his duty and letting every one else do his, I do not understand."

Here the Grand Duke of Weimar was announced. "I believe that he, too, will be revealed," said the Chancellor, laughing ; "but let him wait." Then he went on talking for a good quarter of an hour longer, departing now and then from his proper theme, and oftentimes repeating the same idea in different words. "Were I no longer a Christian, I would not remain an hour in the King's service. If I did not obey God, if I did not count upon him, I should certainly pay no homage to earthly masters. I should have to live, of course ; I should be in a good enough position, and should have no need of them. Why should I fret and toil unceasingly in this world, and expose myself to perplexities and ill usage, if I did not feel that I must do my duty ? I have a firm, unshaken faith in a life after death—therefore am I a royalist, otherwise I should be a republican. If I did not believe in a divine order which has destined this German nation for something good and great, I would forthwith go out of the diplomatic business, or I would never have entered it. To what original to ascribe the sense of duty I know not, except to God. Orders and titles have no charm for me. The firm stand that for ten years I have taken against all possible absurdities of the court I owe purely to my decided faith. Take from me this faith and you take from me my country. If I were not a Christian and a firm believer, if I had not the miraculous basis of religion, you would never have had such a chancellor. Give me a successor on this basis, and I retire at once. But I am living among heathen. When I say this, I do not mean to make proselytes, but needs I must confess this faith."

"But," said Katt, "surely the Greeks and Romans practiced self-denial and devotion—surely they had a love of country and did great things with it ; and many people now," he was convinced, "do the same thing from patriotic feeling and the sense of belonging to a great unity."

The Minister replied : "This self-denial and devotion to duty toward the state and the King is with us only a relic of the faith of our fathers and grandfathers in transformed shape—more indistinct and yet active, faith and yet faith no longer. . . . How gladly I should be off!" he continued ; "I delight in the woods and in

nature. Take away from me my relation to God, and I am the man to pack up to-morrow and be off for Varzin to grow my oats. I have then no King, and why? If it were not God's command, why should I submit to these Hohenzollern? They are a Swabian family no better than my own, and I should have no interest in them."

From this, in the best sense of the term, *religious tone* of our hero's whole nature—a feature in which he strongly reminds us of Cromwell—springs another of his characteristics, which I might describe as the expenditure of his entire personality upon the tasks assigned to him: he pays, or rather prepays, for his results by entire self-devotion. On the 7th of April, 1878, I had the honor of dining with the Chancellor, and, in the course of conversation, he called himself an old man. The Princess would not let this pass, so she remarked, "You are only sixty-three years of age." He replied, "Yes, that is true, but I have always lived fast, and on a cash basis" (*baar*). Then, turning to me, he added: "*Baar*, that is to say, I have always thrown my whole self into whatever I did, and have paid for it in health and strength."

But Bismarck's religion is not obtrusive. He makes no parade with it, like certain Pharisees, and his piety is free from intolerance, and from the desire of imposing upon others his own faith, or a behavior approved by the dominant Church. Very distinctly he condemns all constraint in such matters. He has never made war on Catholics as such. He has always only in so far opposed them, and made them to feel the weight of his arm, as they have avowed themselves Ultramontane, and have inscribed on their banners, and striven to make effective, the right of Rome to rule in Germany, and the competence of the Church to invade the sphere of the state. He is neither intolerant nor bigoted.

A conversation at St. Avold on the question how the United States could tolerate the Mormons with their polygamy led him to express his opinion on the subject of religious liberty in general, which he advocated very strongly; but, said he, it must be impartial and reciprocal. "Every man must be saved in his own way," he said; "I will urge this some day, and the Reichstag will certainly approve. But the church property must, of course, remain with those who stick to the old Church to which it belongs. The man who goes out must be ready to sacrifice to his conviction, or rather to his unbelief. It is not taken in bad part if Catholics are orthodox, not at all if Jews are so; but orthodoxy in Protestants

gives great offense, and the Church is constantly decried for her persecuting spirit if she expels the unorthodox. Then, when the orthodox are persecuted and derided in the press—which in Germany is unfortunately in the hands of Jews—and in society, people think that is just as it ought to be.”

At Versailles the same subject was up for discussion one evening at table, and again the Chancellor distinctly declared himself to be in favor of toleration in religious matters. “But,” he continued, “the *illuminati* are not tolerant. They persecute those who believe, not indeed with the stake, for that would not do, but with contempt and insolence in the newspapers; and among the people, so far as they belong to the party of unbelief, toleration has made but little way. I should not like to see how delighted they would be here to have Pastor Knak* hanged.” The conversation now turned to the strict observance of Sunday in England, and the Minister declared the Sabbath rest to be good. As a proprietor he did what he could to make Sunday a day of rest from labor on his estate, only he did not wish to see people coerced. “Every one must know,” said he, “how he should best prepare for the future life. On Sunday no work should be done, not so much because it is against God’s command, as on man’s account, who needs recreation, and must have opportunity for attending to his spiritual affairs. . . . This, of course, does not apply to the service of the state, above all not to the diplomatic service, for dispatches and telegrams arrive on Sunday that must forthwith be attended to. Neither is anything to be said against our peasants bringing in their hay or corn on Sunday in the harvest after long rain, when fine weather begins on a Saturday. I could not find in my heart to forbid this to my tenants in the contract, although I should not do it myself, being able to bear the possible damage of a rainy Sunday. It is thought by our proprietors improper even in such cases to let their people work on a Sunday.”

I mentioned that pious folk in America allow no cooking on Sunday, and that in New York I was once asked to dinner, and got only cold victuals. “Yes,” replied the Chancellor, “in Frankfort, while I was still freer, we always dined more simply on Sunday, and I never used my carriage, for the sake of the servants.”

One day (it was in 1876, I think) the Chancellor went out for a ride along the boundary of his Varzin estate. To his great surprise he saw, though it was Sunday, a number of men at work in the

* A leader among the orthodox in Berlin, since deceased.

fields with hoe and spade. "What men are those?" he asked of his overseer. "Our laborers, your Highness," was the reply; "we can not spare them in the six week-days, and now they must work their own fields on Sunday." The Prince rode home, and there immediately wrote a note to all the overseers of his estates to the effect that the cultivation of the laborers' fields should always precede that of his own, but that in future he would not permit any work to be done on Sunday. The result was that the laborers did what was necessary for their own fields in two or three days, and then went cheerfully to work on those of the Prince, so that the head overseer was soon able to report that never before had the field-work been done so quickly.

Bismarck does not favor the efforts made to introduce among us parliamentarism, as in England—not from principle, but because he holds it to be not the only system of government that promotes the happiness of the people, and because it is not adapted to Germany, inasmuch as the conditions do not exist here, where, instead of only two political parties, we have half a dozen. But he is a sincere constitutionalist, and, during the conflict, his action was, on the whole, constitutional.

His general principles of internal policy he very plainly expressed to the Frenchmen who dined with him at Versailles on January 30, 1871. He said that consistency in these matters, i. e., politics, often becomes simply blundering obstinacy and self-will. One must be guided by facts, by the way things lie, by the possibilities—taking into account the conditions, and serving his country according to circumstances, and not following one's own opinions, which are often simply prejudices. When he first entered political life, as a green young man, he had very different ideas and aims from what he had now. But he had changed his mind after thinking the matter over, and then had not shrunk from sacrificing his own wishes, if anything was to be gained thereby, to the necessities of the day. One must not force one's own inclinations and wishes upon one's country, he further remarked; and then concluded, "*La patrie veut être servie et pas dominée.*" This last remark exceedingly pleased the Frenchmen, who pronounced it true and profound. Still, one of them objected that this would subject genius to the will and opinion of the majority—though, as a rule, majorities have ever had but little understanding, little knowledge of affairs, and little character. The Chancellor very neatly replied, saying that his sense of responsibility to God was his guiding star, and declaring "*devoir*" to be a

higher and a more powerful principle than the "droit du génie" which his French visitors had lauded.

About this same time he remarked to us: "Favre has no idea how things go on our side. He has again and again reminded me that France is the land of freedom, while despotism reigns among us. I had told him, for instance, that we wanted money, and Paris must procure it. He thought we might raise a loan. That could not be done, I replied, without the Reichstag or the Landtag. 'Oh,' said he, 'you surely could raise five hundred million francs without the Chamber.' 'No, nor five francs,' I replied. He could not believe it. But I told him that I had passed four years of struggle with our popular representatives, yet it had never occurred to me to raise a loan without the consent of the Landtag; at that point I had ever halted. This seemed rather to alter his opinion; but his only remark was that in France *on ne se gênerait pas*."

The conflict which arose out of the question of army reform in the years preceding 1866 produced an unpleasant state of things. It was impossible to tell the Prussian representatives that we were in this way making ready for a policy of action. The new Minister did not fail to throw out hints in a general way, but he must needs speak very plainly, and disclose his plan in detail, if he would convince and win to himself his opponents in the House of Deputies, which was, of course, quite impossible. Bismarck, therefore, bethought him of a rather strained interpretation of the Constitution. "The budget," he said, "is a legislative act, and for such act three factors are required, to wit, the House of Deputies, the House of Lords, and the Crown. Now, if one of these three refuses assent, as in the present case, there is no budget. But the state can not stand still, and hence, in default of a budget, the Crown must dispose of the public moneys." This interpretation was correct down to the conclusion. Certainly the state must endure, even when there is no budget, but the Crown is not, therefore, constitutionally empowered to originate fundamental remedies. If the good of the state demands innovations, and the representatives of the people withhold their assent to them, then such innovations must be made on the responsibility of the Ministers, until the country has changed its mind and given assent. And it is well when the conversion is not too long delayed. So it was with army reform and the strife it called forth. When the victories of 1866 had converted the country, Bismarck, who at the same time had, in a measure, gained a victory over the opposition at home, in strict conformity with

constitutional usage, asked the Landtag to grant indemnity—that is, he now repudiated the theory that, whenever the budget is rejected by the House of Deputies, the Crown acquires unrestricted power to make organic innovations. It was, however, fortunate that before internal strife had resulted too seriously, chance gave occasion for a foreign war. In all this it was only dreamers who thought of a revolution. “Revolutions,” said the Chancellor, “are, in Prussia, the work of the kings alone.” Nevertheless, had these internal dissensions lasted much longer, and the popular mind in Prussia been so estranged from the Government as to threaten such an uprising as that of 1866, it would have been unfortunate for Germany, and indeed for all Europe.

With justice does the Chancellor object to deputies who look on their parliamentary avocation as their only business, as a trade; and it is mainly on this account that he refuses to grant a salary to members. He has repeatedly called attention to the peril of such a degradation of the office of a representative. Thus, in January, 1869, speaking in the Prussian Landtag of the difficulty of finding capable men who can amid their ordinary occupations find opportunity to fit themselves successively for the Landtag, the Zollparliament, and the Reichstag, he said: “Before long, men will make a trade of being representatives, as of being doctors or lawyers. The result will be that we shall have a special class, that of the popular representative, who gradually will come to resemble more closely a bureaucratic element than a body representing the country and in intimate communication with the people. Such men, when they fail of election to Parliament, have nothing else to do but to travel.”

In this connection I recall further the speech of May 8, 1879, in which the Chancellor, while defending his project of customs reform, remarked to the Deputy Lasker that his policy was that of a man without property. He then went on as follows: “He is one of those gentlemen who hitherto, at every step in our law-reforms, have been a majority, and of whom the Scripture says that they sow not, neither do they reap; they neither spin nor weave, yet are they clothed and fed. In other words, it must be confessed that the majority of our law-makers is made up of men who are engaged neither in manufactures nor in agriculture; and such men easily lose whatever little sympathy they may have with the interests here represented by the Government. These non-producers in our Parliament, these law-makers who live on salaries, fees, pensions, or annuities, who belong to the press, law, medicine, or other learned

professions ; but particularly the party leaders who, through their eloquence and their influence over their colleagues, are wont to control the majority, and who, year in and year out, devote themselves to this business partly through the press, partly in Parliament—these men surely ought to know that projects which have their origin in the bureau or in theory must necessarily be faulty unless they are aided by some experience and practical sense. Then, too, they ought to take to heart the maxim '*Noblesse oblige*,' for he who has thus for years enjoyed power in the legislative hall must think of the one who serves as the anvil-when the hammer of legislation falls."

The Prince is equally justified in his opposition to the *doctrinaire* jurists who make their presence felt in our Parliaments. These men are dominated, or at least powerfully influenced, by the erroneous belief that all questions which touch upon their province, and in particular all constitutional questions, can be solved by the application of formal rules ; and not only the Party of Progress, but also certain leaders of less radical factions, as Lasker, Bamberger, and Von Forckenbeck, are inclined to compress the fullness and complexity of our national life within the limits of dead-letter law. In other words, jurisprudence takes too prominent a place in the ranks of our liberal parties, and the tone of the debates reminds one of a lawsuit into which the not very intelligible dogmatism of speculative professors is injected. As Herr von Benningsen, a leader of the National Liberals, and himself a jurist, remarked to me a few years ago, "Our Liberal movement is mainly an effort of the lawyers to win a higher position." He had reference to Hanoverian lawyers, but we need only glance at the important part played by this class in our whole political life to see plainly that the remark applies to all Germany. I think highly of lawyers and professors as a class ; but a teacher whose words his pupils must accept without question soon comes to think himself infallible ; and experience proves that the lawyer who is always engaged on one side in politics is apt to become obstinately dogmatic. This is, unhappily, the characteristic of the eloquence of our Parliamentary debaters, who, instead of transacting business in a rational way, are constantly engaged in petty disputes with the Chancellor. Idealists who have no practical intercourse with the people have, in the different parties, acquired an influence that is positively baneful. The consequence is, that the decision of questions of the highest importance for the welfare of the people lies in the hands of professional poli-

ticians, intriguers, and leaders of coteries. Many of the speeches made in our Reichstag are no better than those of the National Assembly of 1848—a flood of words with little sense, for the most part mere rhetorical pugilism that attacks all sorts of subjects with ready-made theories and catchwords, and that always must have the last word.

Nor is there any comfort in the fact that this phenomenon has still worse consequences among some of our neighbors—in Italy, for example, where the Minister is in the habit of giving up the field to the lawyers; for the same thing might happen here were the Government less firm than it is at present. But the “*Rechtsstaat*” (jurist-state), which a large proportion of our representatives from the bar and from the bench have more or less distinctly in view, inasmuch as it is purely juristic, and gives to jurists all the power, would be exactly the reverse of that which its advocates in the Parliament, and the press are striving for, or think they are striving for. It would disfranchise and disqualify all powers and classes which exist in the state alongside of the legists, and which have as good a right to have views and interests of their own. The attempt to set up a jurist-state, therefore, is in no wise better or more just than would be the attempts of theologians to set up a state on strictly theological principles, of the Vatican to make the Church supreme in political affairs, or of any class of men to constitute a state in which the feudal lord or the merchant should decide what may be done and what may not be done. It was surely well and truly said, ‘*Justitia est fundamentum regnorum.*’ Law, right, is the corner-stone of the state. But its creating and living power is something else, and *jurisprudence* has no valid claim to be regarded as the basis of the state. That creative force is, on the contrary, the natural life as a whole. Statesmanship fashions and shapes its products, and political science notes these products, grouping them in harmonious series.

Prince Bismarck, being a thoroughly candid statesman, loves candor in others, and is the sworn enemy of all simulation, all empty show, all mere phrases. He abhors florid oratory, and I have often heard him condemn the pomposity of most diplomats. Von Gern, at one time so famous, was in his eyes a man with the mien of Jupiter, signifying nothing—a “*phrasengiesskanne*” (phrase-watering-pot). Jules Favre, who strove to bring into diplomacy the arts of an advocate—the impressive gestures and the high-flown oratory—was for him a comic actor. It was a delightful description

he gave us on January 31, 1871, of Waldeck, the great light of the Berlin Democrats: "He reminds me of Favre; always consistent, true to his principles, with his opinion and conclusion made up beforehand; then a stately presence, venerable white beard, voice deep from the chest, even when he speaks of trifles. All this is quite effective. He would deliver a speech in a voice quavering with earnestness, to tell you that the spoon remains in the glass, and would proclaim any man a scoundrel who did not agree with him. Everybody would declare his assent, and laud his forceful sentiments." When General Reille told him, after the battle of Sedan, that the French would blow up themselves and the fortress rather than submit to our hard conditions, the Chancellor dryly replied to this pathetic phrase, "*Faites sauter.*"

The first time I ever spoke to the Chancellor was on the 24th of February, 1870, and he asked if I knew what was the order of the day in the Reichstag. I said "No," adding that I had had too much to do to notice what was in the newspapers. "Well," he replied, "the question was about the mooted admission of Baden into the North German Confederation. Why can not people wait for that event to come about of itself? They must treat everything from a partisan point of view and as speech-makers! It is most unpleasant to have to answer such speeches, I might say such prattle. In fact, it is with these oratorical gentlemen as with many ladies who have small feet which they are always displaying in shoes much too small for them. We have the German question in good train now; but it has its own time—a year, perhaps five years, possibly even ten. I can not make it advance any quicker; no more can these gentlemen, with all their powerful and emotional eloquence."

Quite characteristic of his way of dealing with such matters were the remarks he made in our hearing at Versailles on the evening of February 2, 1871. He told us that during the day he had been to St. Cloud, and that on the way thither he had met many people with household utensils and beds, probably returning inhabitants of the villages around Paris, who, during the siege, had fled from their homes. "The women looked quite friendly," he observed, "but the men, on seeing the Prussian uniform, assumed a hostile expression and a heroic attitude. This reminds me of the old Neapolitan army which had a word of command that ordered the men to assume a like attitude. Where in our army the command would be, 'Arms to the charge, right,' in the Neapolitan army it would be, 'Faccia

feroce,' i. e., *look savage*. With the French everything lies in a magnificent attitude, a pompous speech, and an impressive, theatrical mien. If it only sounds right and looks like something, the meaning is all one. They are like the Potsdam burgher and freeholder who once told me that a speech of Radowitz had touched and affected him deeply. I asked him if he could point out any passage which had specially gone to his heart or seemed particularly fine. He could not name one. Thereupon I read the whole speech to him, and asked him what was the affecting passage. It turned out that there was nothing of the sort there, nothing either striking or affecting. In short, it was nothing but the manner and attitude of the orator, which looked as if he were saying the deepest, most interesting, and most striking things—the thoughtful glance, the devout eyes, the voice full of tone and weight. It was the same with Waldeck, though he was not so able a man or of such distinguished appearance. . . .

"The gift of oratory," he continued, "has done much mischief in Parliamentary life. Much time is wasted because every one who fancies he has any ability must have his word even when he has nothing new to offer. Speaking is too much in the air, and too little to the point. Everything is settled beforehand in committee; hence what is said in the House is for the public and the reporters. The sole object is to exhibit before the public the orator's power, and to be praised by the newspapers. But the time is coming when eloquence will be looked on as a faculty hurtful to the common weal, and a man will be punished who allows himself to be guilty of a long speech. But we have one body which admits no oratory whatever, and which nevertheless has done more for the German cause than any other, namely, the Council of the Confederation. True, I remember that at first some attempts were made in that direction, but I put a stop to all that, though properly I had no right to do so, albeit I was President. I said to them something like this: 'Gentlemen, we have nothing to do here with eloquence, with speeches intended to produce conviction, for every one brings his conviction with him in his pocket—that is to say, his instructions. It is simply a loss of time. I propose that we confine ourselves here to facts.' And so it was; there were no more long speeches. We got on all the faster with business, and the Council of the Confederation has really done a great deal."

That the Prince has but a poor opinion of the abilities and the services of most of the members of the diplomatic corps, and that

he laughs at their pomposity and arrogance, is plain from sundry of his utterances. I cite only the following :

At Ferrières he told me a delightful story of the time when he was envoy of the Diet of the Confederation at Frankfort : "At both of the sittings of the military commission, while Rochow represented Prussia in the Diet, Austria alone smoked. Rochow would certainly have liked to do the same, but he did not venture ; besides, his king, who was not a smoker, would perhaps have disapproved of such conduct. When I came, I too hankered after a cigar, and, as I did not see why I should not have it, I asked the Power in the President's chair for a light, which seemed to give him and the other gentlemen both astonishment and displeasure. Plainly it was an event for them. That time only Austria and Prussia smoked. But the other gentlemen obviously thought the matter so serious that they reported it to their respective courts. The subject required mature deliberation, and for half a year only the two Great Powers smoked. Then Schrenkh, the Bavarian envoy, began to assert the dignity of his station by smoking. Nostitz, the Saxon, had also a strong inclination to do likewise, but as yet had not received permission from his minister. Yet when at the next session he saw Bothmer, the Hanoverian, indulging in the weed, he must—for he was intensely Austrian, and had sons in the Austrian army—have come to some understanding with Rechberg ; for he also now took out a cigar from his case and puffed away. Only he of Würtemberg and he of Darmstadt were now left, and they never smoked at all. But the honor and dignity of their states imperatively required it, and so at the next sitting the Würtemberger produced a cigar—I see it still ; it was a long, slender, yellow thing—and smoked at least half of it as a burnt-offering for the Fatherland."

One evening at Versailles the Chancellor happened to remark upon the reports of ambassadors and diplomatic agents in general, which, he said, contain nothing in a pleasing form. "It is space-work, written only because something must be written. Take, for example, the reports of our consul in Paris. As you read them you kept for ever thinking, 'Now something is coming,' but it never came. It was all very fine, and one would read on and on, but at the end it was found that in fact there was nothing at all in it." Mention was made of a military plenipotentiary, who had also figured as an historian, and of him the Minister said : "It was expected that he would render some service, and, as far as quantity goes, his

services were great. As regards form, too, the same may be said. His style is pleasing, would do credit to a novelist; but, while I peruse his reports, written in a fine, ornate hand, I find that despite their length there is nothing in them."

A few days later the conversation again turned upon diplomatic reports, and the Chancellor once more pronounced them to be for the most part of no value. "In great part they consist of paper and ink," said he. "The worst is when they make them long. With Bernstorff, one is used to his sending every time such a ream of paper with stale newspaper clippings. But when any one else writes a lengthy dispatch, one gets disgusted, because as a rule there is nothing in it. If people write history out of them, there is no proper information to be got out of it. I believe the archives will be opened to them after thirty years; they might be allowed to see them much earlier. Dispatches and reports, even when they do contain something, are unintelligible to those who do not know the persons and the circumstances. Who knows after thirty years what sort of a man the writer was—whether he saw and heard to good purpose, how he looked at things, whether he was partial or prejudiced, and whether he possessed the gift of reporting them clearly and accurately? And who has any intimate acquaintance with the persons of whom he writes? We have to know what Gortshakoff or Gladstone or Granville meant in what the envoy reports of his conversations with them. Better information may be gleaned from the newspapers, of which even governments avail themselves, and where people often say more plainly what they think. But there, too, we have to know the circumstances. The main points always lie in private letters and confidential communications, even by word of mouth, nothing of which finds its way into the records."

Since Bismarck assumed control of the Foreign Office and the external diplomacy of Germany, a very different spirit is noticeable in those circles. A vast deal of work is done in Nos. 76 and 77 Wilhelmstrasse, and the Prince himself sets a good example. The whole establishment, from top to bottom, is organized with a strictness that is almost military. Every one has to obey without question, and does obey without question or murmur, whatever he may think within his own mind. Everything moves and acts in obedience to *one* will, *one* mind, and all do what they can. The man who can not make himself the passive instrument of the genius who here toils, here commands, may go his way—there is no room here for him. There must be order, strict order, subordination, harmony,

so that the machine may do its work quickly and accurately. There must be no halting, no failure produced by the exercise of individual judgment. In times past, under an easy-going and feeble administration, things were different. Then every one pursued his own policy, and ambassadors not unfrequently did the same thing. But now that a teeming mind and a strong will are in control, and the highest interests are at stake, infractions of discipline are not tolerated. Every official, even the highest, has simply to obey orders, and must consider himself in the light of a dispatch-clerk, or as a colonel or captain under the general. The councilors are not expected to give advice, but are to act as members under the head, like the other members—the *chargés d'affaires*, ambassadors, and envoys—they have to put in execution his ideas, his views, and nothing else, with the aid of whatever knowledge or skill they may possess. Individualism and the necessity of one uniform policy go not hand in hand—a lesson which the proud and self-willed Harry von Arnim learned to his cost.

While I was employed in the Foreign Office, everything was done in its political section as in a regiment. About 10 A. M., occasionally later, seldom earlier—for the Prince worked far into the night, not going to sleep till toward dawn—a servant would announce in the central bureau, "The Prince is in the breakfast-room." That was the reveille, and the first signal for action given to the little army of the Chancellor, and he then received from the hands of the dispatch secretaries all sorts of communications coming per post or otherwise. Next came the announcement, "The Prince is in his work-room." The councilors who had business with the Chancellor could now be admitted to the presence of their chief, and the rest were notified to hold themselves in readiness to answer any summons from him. Lastly, about 10 P. M., in ordinary times, but not till late in the night when there was stress of work, the tattoo, "The Prince is in the tea-room," was sounded for those whom duty still held chained to their desks, among whom, when the Chancellor was in Berlin, was always found the faithful and ever-prompt Lothar Bucher. This brought the day's labors to an end. The workers departed, the window-shutters were closed, and the servants put out the lights.

In conclusion, it might be asked whether the German nation love the man who has raised them to political power and to high honor, who has placed them in the saddle and now expects them to ride with him in new ways; who has caused a new sun to rise for

them, brighter and fairer than any that illumined their path in past days. My answer is that many admire him openly, many others secretly in spite of themselves ; few love him, for few understand him. But they who do love him love him above all the world.

MORITZ BUSCH.

RECENT LITERATURE.

I.

THERE is a kind of criticism which has in modern times come into fashion, of which Professor Goldwin Smith's "Cowper" is a fair example.* As a condensed biography of the poet, his book may be of value to cursory readers, though we have failed to discover in it any fresh fact, or any evidence of original research. The materials which the author has employed were open to everybody, and were already familiar to every student of biography. Besides the somewhat heavy, and, we may say, stupid life by Hayley, we had already the very minute work of Southey; and, considering the entirely recluse existence of Cowper, we have sometimes thought it remarkable that we know so much of him, and are in possession of so many of the particulars of his singular and melancholy experiences. We owe this advantage—if it be an advantage—to the passion of evangelical persons for the smallest details of personal religion. Following the traditions which connect Newton, who is one of the saints of a special class of saintly persons, with the author of "The Task," these have pleased to regard the invalid and the hypochondriac as a wonderful example of the necessity of working out salvation with fear and trembling. Besides this, there have been unspeakable scandals circulated about Cowper, which we believe to be falsehoods, impure if simple. Professor Smith darkly alludes to this foolish gossip, but, if he has heard the worst of it, he does not say so.

It is doubtful whether the admirers of Cowper will be grateful for this new discussion of his infirmities. Surely, in such matters, there should be some law of limitation. What the poet did remains, and will remain while the English language is written, and some of it, of a proverbial kind, as long as it is spoken. But those

* Cowper. By Goldwin Smith. New York: Harper & Brothers.

who love the tenderness of Cowper, his fresh and original relation to Nature, his kindly humor, his never ill-natured wit ; those who have been charmed by his domestic life in its best aspects, and think of him as preëminently the poet of home and of the domestic affections ; those who have found plenary evidence of his innate manliness in the strongest of his poems, and of his loving heart in the tenderest—may well ask to be excused from any further studies in morbid anatomy, from any further discussion of his weakness of body and of mind, from the prying curiosity which seeks to fathom the inscrutable, and from a renewal of the tragic tale of his infirmities. Evidently he was an invalid and a hypochondriac, with suicidal tendencies from the start. He had very old blood in his veins, and some of it was not of the best. His grandfather, the Chancellor, had been tried for murder. The poet was a weakly boy, and at Westminster School he had been ill treated. He was set to studying the law, because his grandfather had been a good lawyer, though nobody could have been less fitted for the profession than this timid and shrinking youth. At thirty-two he was a lunatic. There was an injudicious attempt to force him into the office of the Clerk of the Journals in the House of Lords, and he tried to kill himself because a horror of the publicity of the place had disturbed his intellect. Thus far, it will be observed, religion had nothing to do with his melancholy. Nor can it be held justly that it had anything to do with his subsequent despondencies. If he had remained a man of the world—if he had, at intervals, continued “to giggle and make giggle” with the London wits—it is more than probable that he would still have been subject to fits of despondency, though the remorse which he experienced would have been occasioned by secular rather than religious influences. He was a sick man all his life.

It is with pleasure that we turn from this melancholy view of Cowper's character, and consider what a noble work he performed in spite of a hundred adverse circumstances. All here is fresh and beautiful. Usually he is cheerful, almost always he is vigorous ; his poetic sense invested the homeliest natural and social objects with an exquisite charm, and he absolutely rescued English poetry from studied artificiality. Grateful for the pure enjoyment which his poetry gives us, let us try, at least while we read it, to forget that clouds and shadows were about him as he wrote, and that he smiled at the world through his bitter tears ! Let us not suffer impertinent and over-curious discussion to disturb our appreciation

of one of the sweetest, most scholarly, and most vigorous of English poets !

II.

SPECIMENS of the English poets, selections from their works with brief biographies appended, are not a novelty in literature. The work has before been done by Anderson, by Dr. Aikin, by Hazlitt, and by Thomas Campbell, some of whose critical notices are among the best things which ever came from the pen of that singularly unequal writer. We have here another book of "Elegant Extracts," in the matters of taste and critical judgment superior, perhaps, to any of its predecessors.* Mr. Matthew Arnold, in his introduction, goes over the whole ground of what are and what are not English classics, and is particularly ample in his criticism of Chaucer and of Burns, while he has a good deal to say of what poetry is, and of how it should be read, with other writing of that speculative character of which the present generation of readers seems to be specially fond. Notices of the other poets are by other writers of greater or less reputation. All of them appear to be carefully written. And the plan, it is evident, has great advantages. A single editor, bringing to his work preconceived notions, and his preferences, if not his prejudices, might easily fall into unintentional injustice, while experience has amply shown that the general effect of his researches might be monotonous.

The exact value of compilations of this character is a little doubtful. To the thorough and earnest student it is necessarily small. Poets are not to be judged by tid-bits, and great works must suffer by this sort of dissection. Perhaps no writer can be fairly estimated by "specimens" of his production. He would have a right to say, if he could speak to the matter, that the interposition of a middleman to tell the reader what he is and what he is not to admire, is impertinent. If poetical literature shall increase in bulk in the future as it has in the past, and is still increasing at present, some guide will become absolutely necessary to those who would not waste precious time. The worst of "specimens" is, that they can give no idea of the artistic proportions of the great works from which they are rudely severed. They are incomplete, however complete in themselves they may appear to be. It might be cruel to ask anybody at this time of day to read the "Paradise Lost" or

* The English Poets: Selections with Critical Introductions by Various Writers, and a General Introduction by Matthew Arnold. Edited by Thomas Humphrey Ward, A. M. 2 vols. London and New York: Macmillan & Co.

"The Faerie Queen" from beginning to end ; but it would be equally cruel to ask him to make up his mind critically about these great poems from half a dozen shreds and fragments of them, however judiciously selected. This remark, of course, does not apply to many entire poems of the shorter kind which are included in these volumes. Nor would we be understood to say that they are nothing better than crutches for the critically lame, or lifts for the hopelessly lazy. But, while they may help the young reader in forming his poetical taste, there can be no harm in cautioning him to search for himself in the great mine of English poetry which is so full of wealth, and alas ! of rubbish. One should not be always in leading-strings ; and no man can study for another, especially in this department of literature.

A work like this is full of somewhat melancholy suggestions. The perishable nature of poetical fame is inevitably indicated by these efforts to preserve or revive it. How many who have been of great consideration in their own day, in even the day following, are now known only to scholars, and to those who search in libraries for works which are no longer upon the counters of the booksellers ! To be ancient is to be obsolete. The lyrical writers, if once they get a hold upon the hearts of the people, are comparatively safe ; and brevity is often a passport to a precarious remembrance. But if every time sings its own songs as it should, it will not care much, in a popular sense, for the songs which are a century or two old. The very greatest poems in all languages can be counted upon the fingers of one hand. Yet our bards still go on with their production, and every week witnesses the birth of a new book of verses. If any of these shall be remembered sufficiently at some distant day to be included in a volume of "specimens," we can not wish their writers more judicious and sensible treatment than Mr. Ward's corps of critics has bestowed upon the English poets from Chaucer to Dryden, and promise to extend to the others from Dryden to Keble and Clough.

III.

THERE are lyrics, at once light, elegant, and ingenious, which charm by their manner and disarm criticism by their jocund harmlessness ; Mr. Austin Dobson's poems* are of this description. Mr. Edmund C. Stedman, in the introduction which he has furnished to

* *Vignettes in Rhyme, and other Verses.* By Austin Dobson. New York : Henry Holt & Co.

the American edition, tells us that Mr. Dobson is forty years of age, and has been a government clerk for twenty-two years. There is little suggestion of even twoscore in this pretty book, but only a certain easy and salient elasticity; and, if there are occasionally tears in the verses, they but lend fresh brilliancy to the light and lilting measure. The book, though neither serious nor earnest, has the sweetness which comes of constitutional good nature, and the polished politeness which befits songs of this description. In many of the poems there is a flavor of antiquity not in the least dusty or moldy, however; and there is everywhere that indefinable *bric-à-brac* beguilement which betrays collectors into the purchase of old china and prettily painted statuettes.

Mr. Dobson's book will be invaluable to those verse-makers who desire to distinguish themselves by writing in the old metres which have been lately revived—the *rondel*, the *rondeau*, and the *ballade*. Now and then, as we read him, we seem to hear the tinkling of lutes and the sweet warbling of minstrels under the windows of bowers which went long ago to dust, with their pretty and piquant inmates. Sometimes his songs remind us of the ingenious verses which break the dull and indecent monotony of Dryden's horrible comedies. We do not agree with Mr. Stedman in thinking that Mr. Dobson is like Horace, for Horace always had an earnest and serious purpose, even in his lightest mood, and never for a moment indulges in eccentricities of thought or of meter. Mr. Dobson is like Horace, however, in always writing like a gentleman; and if he sometimes cloy us by his unremitting sweetness, we have only to lay the book aside for a little while, with a certainty that the appetite for these fine cates and delicacies will be sure to return.

IV.

IN this prosaic age and in this over-busy land, the men who devote themselves to literary pursuits and "strictly meditate the thankless Muse," are entitled to much more consideration than they are likely to receive. Mr. Richard Henry Stoddard has long been known as a poet of no ordinary capacity; but we must own to a degree of surprise, upon looking into his handsome volume,* to find how much he has written. We may as well acknowledge at once a feeling of regret that such a poet as Mr. Stoddard undoubtedly is should not have given us some work of greater artistic propor-

* The Poems of Richard Henry Stoddard. Complete edition. New York: Charles Scribner's Sons.

tions—not an epic, to be sure, since it seems that the world is to have no more epics ; but a poem in which his remarkable power of construction and copious resources of diction might have been more largely displayed. For there is more than one poem in this volume which shows how strong is the sweep of Mr. Stoddard's genius, and what a thorough master he is of literary resources. His life has been that of the scholar, if not of the recluse ; his tastes, originally and naturally delicate, have been matured until it would not be saying too much to call them simply perfect ; he has hand and eye, and all else that a poet should have—fancy, subtilty, and imagination. Above all, he has absolute literary sense. Here is a volume, containing we hardly dare to say how many separate and distinct poems—there are thousands of verses ; a hundred different forms are employed ; the range of subjects is wide and various—and yet we doubt if the most fastidious critic could detect in the whole a really bad line or a single solecism, or a passage which it would be easy to improve. Nobody, who has not had some experience of the matter, can know how much labor all this implies. We are sorry to say that not many American poets have written after this fashion. They may have, in some rare cases, the genius, but few of them have the patience, to do it. We do not propose to make any odious comparisons ; but those who think that slovenly writing is a mark of genius, and who have been told so by their admiring critics, would do well to learn a lesson from this painstaking poet.

Mr. Stoddard is fond of a short song, which he polishes with all the care with which a lapidary polishes a gem. He likes a bit of exquisite verse which shall be *teres atque rotundus*. The loving care with which he has perfected many of these little poems is evident in their grace, tenderness, depth of feeling, and frequent depth of thought. Open the book almost anywhere and you come across them. It is a volume to keep upon the table, and to read in during a spare moment. The brief music is like that of a bird, who gives a rapid and complete and most melodious refrain, and then flies away. Sometimes the strain is a sad one ; oftener it is calmly serene, and there is not a whine in this whole collection, which is more than can be said of a great many volumes of American poetry. Indeed, we have been much impressed by the thorough manliness of Mr. Stoddard's work. He is often pensive, as all men who think poetically must be ; but he is never maudlin. There are evidences of sorrow, and unrest, and disappointment ; but the reader may be

assured that they give no tone to the book, which, take it for all in all, is at least as healthy a volume of poems as there is in the English language. Mr. Stoddard is an artist, and an artist must sometimes paint the gloomy as well as the glad ; but the general tenor of his work shows the writer to be a well-balanced and even square-shouldered man, who knows precisely what he is about, and manages even the minor key with an energy which we might call robust if it were less musical. There is tragedy in these poems and sometimes pathos, but they spring naturally from the topic, and are not pumped up for the occasion.

Many of Mr. Stoddard's poems have, indeed, a half-sportive character. Doing well whatever he undertakes, he writes *vers de société* sometimes with an easy *abandon*, which proves how sure he is of his hand. There are occasional poems, too, suggested by current topics, which are strong and self-sustained. There is a sufficient love of Nature, and frequent passages which prove it genuine. But Mr. Stoddard is substantially a poet of the passions and of the emotions ; and not seldom he rises to a height of tragic expression, and depicts the darker experiences of the soul with unusual force. Yet, as we have said, he is never unpleasantly subjective. He is too good at his art for that. What is to be sung he sings naturally. What is to be told he tells in a straightforward, earnest way ; and with all his other merits he has unusual power of poetical narrative. His whole book may be heartily commended to all those who care for healthy and natural poetry, and who have no desire to be either puzzled or bored.

V.

THERE are poets who, however they may change for the better in other respects, never outgrow their mannerisms. It has been said of Mr. Wordsworth that he lost the world for a quibble, and was content to lose it. Mr. Browning is represented as having lately expressed some regret, not that he has been an obscure writer, for his own conscience doubtless acquits him upon that score, but that the majority of his readers should have found him so. Mr. Swinburne, in this new volume of poems,* exhibits the same peculiarities which marked his earlier works. There is the same audacity of diction, profusion of double-epithets, muscular and sometimes spasmodic versatility of metre, and unbridled exuberance of imagination. Though to many the principal poems in this little

* Songs of the Springtides. By Algernon Charles Swinburne. New York: R. Worthington.

volume will be insoluble puzzles, it will be read with great satisfaction by those who do not trouble themselves about sense, if only they are gratified by sound. If they do not understand, they will think that they do, which perhaps is just as well. There is something very fascinating about Mr. Swinburne's lyrical swing and ever-shifting variety of versification, and we wander through his pages as through some land of faery or wilderness of mingled beauty and terror. Perhaps we should not err in pronouncing him, though he does not use dramatic forms, the most dramatic of modern poets, for in his works there are often the most subtle delineations of human passion, and the most vigorous pictures of the deepest, the darkest, and the brightest experiences of human life. It seems to us that the poems in this volume are among the most intellectual which he has produced. As he has advanced in years he has lost something of that downright sensuousness which once shocked some readers of his works, and, we are obliged to add, delighted others. Whatever else it may be, this volume is at least cleanly, with no touch of prurience and no suspicion of physical coarseness.

The present volume contains Mr. Swinburne's "Birthday Ode for the Anniversary Festival of Victor Hugo"—the fine tribute of a man of genius to the genius of another. The idea of the poem is thoroughly original. Anything exactly like this piece of rhythmical criticism we do not remember to have seen in the literature of any language. All the great works of Hugo are chronologically alluded to, and, lest there should be any misunderstanding on the part of the reader, Mr. Swinburne has annexed a catalogue of Hugo's books, with reference to the places in which they are treated in the ode. He shares the Frenchman's hearty hatred of the last Emperor of France, and prints a special sonnet "On the Profane Desecration of Westminster Abbey, by the Erection of a Monument to the Son of Napoleon III." He keeps no terms with "the poisonous race," and calls upon the "elect of England's dead" to leave the abbey in disgust. Accustomed to use plain language on all occasions, Mr. Swinburne particularly uses it upon this; and speaks of Dean Stanley in a way which will shock the friends and admirers of that amiable divine—

"Who had the glory of these graves in trust,
And turned it to a hissing."

CHARLES T. CONGDON.



TEOYAMICI, THE GOD OF WAR AND OF DEATH.

The circular figure at the base represents
THE GOD OF THE NETHER WORLD.

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THE RUINS OF CENTRAL AMERICA.

PART I.

VERA CRUZ, *April 30, 1880.*

A TRAVELER leaves something of himself in every country he visits. The impressions, friendships, adventures of the former time he fancies will be repeated when he revisits the same scenes. He anticipates the pleasure he will have in seizing the hand of a friend, in visiting again some particular site, in finding again some house where once he was received with graceful hospitality. He comes, but a hurricane has thrown everything out of place: that site is now waste and desert, that house a ruin, those friends are dead; time has done its work.

After an absence of twenty-two years, I hasten eagerly to grasp the hands of the friends I had left. For the one who survives, these twenty-two years are but a day. It seems as though it was but yesterday that he left the town, and he fancies that every one knows him, that every one will be rejoiced to welcome him again. But the quarter of a century which he imagines himself to have passed through unscathed has made its mark upon him as upon all.

NOTE.—M. Charnay desires it to be understood that the present narrative makes no pretension to scientific accuracy, and that all his notes are subject to revision and correction in the future. He makes this reservation, in the belief that no definitive opinion can be formed until the results of the expedition have been thoroughly weighed.—THE EDITOR.

Though he may be able to recognize one here and one there, he is himself recognized by none. Like another Rip Van Winkle, he appears to awaken from a life-long dream, to find everything around him changed.

So it was with me. I found one of my friends, the oldest of them all, and one whom I did not expect to see again. I had to give my name, for he did not recognize me, and I saw that now I was a stranger. "How is A?" I asked. "He is dead." "And B?" "Dead." There I halted, not daring to pursue my inquiries further. "What! all dead?" "They are all dead."

Such are my impressions on revisiting Vera Cruz, and to me the city is like a tomb.

Yet this little Oriental city, hid away at the farther end of the Gulf of Mexico, is in itself not unattractive. Oriental I call it, for it is of Moorish descent, and its lineage is visible in its cupolas of white, rose-color, and blue, overtopped here and there by Christian spires; in its houses painted bright red, yellow, or blue; in its flat terraces with their pyramidal ornaments. Cities are more enduring than men, and Vera Cruz has become young again, with its dwellings newly painted, its white bell-towers, its enameled cupolas, its new houses and monuments. There is a holiday air about it, and a faint Haussmann breeze has come across the Atlantic. The plaza, which, when last I saw it, was paved with angular stones, covered with filth, and cut up by muddy brooks, is now a delightful square, planted with palms and other trees, robed in verdure, and paved with marble. In the middle we see a handsome fountain, while all around it are fine *cafés*, stores, the cathedral, the municipal palace, and other structures that vie with one another in giving it a fit surrounding. In the daytime the air is cool in the plaza; in the evening long lines of promenaders and of pretty Mexican ladies fill the walks. It is like one vast greenhouse.

FROM VERA CRUZ TO THE CITY OF MEXICO.

May 1, 1880.—The train left at 11.30 P. M., and during the night we traversed one of the most picturesque portions of the route. At daybreak we reached the plateau of Orizaba, and the prospect was delightful. On all sides rose mountains tinged with the brightest colors by the rising sun. The volcano of Orizaba commanded them all with its snowy cone. We sped through coffee-plantations and vast fields of tobacco and bananas. We crossed

ravines over venturesome iron bridges, meeting a fresh surprise at every turn.

From Orizaba we ascended by an easy grade to Maltrata, and then the train drawn by two engines made ready to mount the famous Cumbres de Aculzingo. We were now in the temperate, we were soon to be in the cold zone. The route lies before us describing long *détours* and ascending heavy grades; our two locomotives, puffing and blowing, and as it were exhausted, make their way amid the grandest scenery. In three hours we reach the plateau of the *tierra fría*.

In these three hours we made an ascent of four thousand eight hundred and ten feet, that being the difference of elevation between Orizaba, which is 4,810 feet above sea-level, and Esperanza, which is 9,620 feet. At the latter place we dined. Our route now lay over vast dusty plains like Arabian deserts. The *haciendas* were few and far between, while the stunted maize and the poor, sparse crops of wheat were evidence of the dryness of the soil. The region is deplorably bare of vegetation, but the bold lines of the mountains defining the horizon, the vastness of the plain, the peaks which here and there break its monotony, the dust-whirls seen rising on every side, give it a strange aspect, and impress upon it the character of stern desolation.

But the railway has changed the face of this plateau. We might almost say that here the railway is a foreign intruder (*s'y trouve dépaysé*); and it more than any other cause has made the region a solitude. We see no more the long convoys of mules that used to wend their way from Vera Cruz to Mexico, the lumbering wagons, the *arrieros* in picturesque costumes; no longer do we hear the silver bells of the *madrinas*.* The little huts along the roadside where the muleteers were wont to quench their thirst, and the great *corales*, or yards, in which the mules were shut up at night, have disappeared.

The railroad stretches toward the northwest, and after passing Huamantla skirts the volcano of La Malinche, leaves Puebla about twenty leagues on the left, then passing through Apizaco it enters the Llanos of Apam. There we are in the land of *pulque*, the headquarters for the production of the wine of Mexico. On all sides are plantations of maguey (agave), and at every station are wagons unloading casks of the liquor so much liked by the Indians.

* Mares that went at the head of the convoys, and were followed by the mules.

This not very inviting-looking beverage in color resembles a strong decoction of orgeat and water. It is thick, viscid, stringy, and has a rather strong taste of leather. It is said to be wholesome, and one becomes accustomed to it. It is consumed in enormous quantities in Mexico.

We next come to La Palma and then to Otumba, famous for the victory won by Cortes. Finally, leaving on the right the pyramids of San Juan de Teotihuacan, we arrive in the capital.

May 2d.—Mexico has undergone a greater change even than Vera Cruz. The Grand Plaza, which formerly was bare of vegetation, is now a fine park with eucalyptus-trees one hundred feet in height, though planted hardly twelve years ago. Handsome houses, showing novel architectural forms, have sprung up everywhere; new quarters now occupy the place of demolished convents; pretty squares surprise the returning traveler at street-crossings, and the magnificent promenade constructed by Maximilian, and which is to be extended as far as Chapultepec, would do honor to the proudest capital.

So, too, the toilets of the ladies and the costumes of the gentlemen are changed for the better, and are now more costly, perhaps, but they have lost in picturesqueness the nearer they have approached the fashions of Europe.

May 3d-5th.—I have seen a good many people, and delivered some of my letters. My reception was all that could be desired. Fine promises are made, but I dread delay; besides, my *matériel* has been seized at Vera Cruz—when shall I have it? I can not begin the work of excavation till permission is granted by the Congress. I am also awaiting a permit to take casts of such specimens in the Museum as are worth the trouble. It contains a dozen handsome vases worth reproducing, also a dozen bas-reliefs and statues of which I will make casts in paper. In the courtyard of the Museum is found the statue discovered at Chichen-Itza by the unfortunate Le Plongeon, and which he has christened (no one knows why) Chac Mool, and another similar statue from the district of Tlascala, which nullifies all the historical pretensions of the Doctor. In the opinion of the learned at Mexico these two statues represent not a king but a god, and this god is the god of wine. Another very curious copy of this statue is in the Escandon garden at Tacubaya; and these three idols of one and the same god, worshiped in places so far apart, clearly establish a relationship between populations very distant from one another. I am going to make

casts of these three specimens, and I also intend to photograph them.

May 7th, 8th.—I have seen the President, who recognized me, for twenty-one years ago we traveled together from Tehuantepec, where he was Governor, to Tequicistlan, where we gave chase to some robbers. I explained the objects of my mission both to him and to the Minister of Foreign Affairs who was present. Both were very favorably disposed, but my request will have to be laid before the Congress. I was directed to call upon the Minister of Justice and of Public Instruction, to whose department this affair specially belongs. I therefore paid my respects to Señor Ignacio Mariscal, who will take charge of my petition in the House of Representatives. He expects that the House will take my request into consideration, and pass an act granting me license to make excavations and to carry away the results, as also to take copies of the principal objects in the Museum. In case the Congress, whose session is near its end, does not grant the authorization I request, the Government will nevertheless give me a man to accompany me, and I will forthwith begin my work, depositing in some storehouse at Mexico all the objects found, and then, after Congress has given its approval, assigning to the Government its share, and taking away what shall fall to me. People show much good will, and promises are plenty, yet things seem to move very slowly.

However that may be, public opinion is, I believe, interested in my mission. My baggage is still, owing to some irregularity or other, detained at Vera Cruz.

May 8th.—A meeting of the Geographical Society was held to hear what I had to say, and to back my request to the House of Representatives for authorization. The Society was unanimous, and through its secretary, Altamirano, expressed its purpose to second my application to the Minister. Señor Altamirano is an Indian of pure blood from Guerrero, gifted with great talent as a speaker; he is the Danton of Mexico; a polyglot, a scholar, a politician, and a *littérateur*. By the way, the Indian race is rising to power. Everywhere in the different departments of the government you see Indians who are ministers and high functionaries. The conquerors are losing ground, and the hour of restitution comes on apace. Left to itself, Mexico would infallibly lapse back into the hands of the natives. At the meeting there were exhibited to us some unique articles of pottery found in a grave near the ruins lately discovered in the vicinity of Querétaro.

EXCURSION TO SAN JUAN DE TEOTIHUACAN.

May 12th.—Teotihuacan means *City of the Gods*. In the middle of the town stand two great pyramids, on each of which formerly was a temple, dedicated the one to the sun, the other to the moon. We know not who built them, but sundry authors attribute them to the Toltecs, while others assign to them a more ancient origin. These Toltecs, by the way, have much to answer for: they are credited with the erection of all the monuments found in Mexico and in Yucatan. This assertion will be considered later; but we may say that there must be some error here, arising from the fact that the term "Toltec" is applied to every ingenious tribe that has left behind it any monumental traces of its presence. In short, Toltec means *builder, architect, engineer*.

My luggage not having come to hand, and the Congress making delays about taking up the draft of the treaty I had submitted to its consideration, I concluded to occupy my time with a preliminary visit to the ruins of Teotihuacan. These ruins are situated at a distance of thirty-one miles northwest of Mexico, on the Vera Cruz Railway. Setting out at 6 A. M., I reached the place at 7.30. From the San Juan station the eye sees hardly anything, save the grand silhouettes of the two pyramids; yet to the south, on the other side of the railway, ruins seem to stretch as far as the foot of the Matlacinga Mountains, which constitute the limit of the valley. To the north are ruins extending to the village of San Martin, distant about two miles. Hence Teotihuacan was a city upward of nine leagues, or twenty-three miles, in circumference.

At first view one can form no just idea of the grandeur of these ruins. As with ruins in general, especially when they are overturned and wrecked like those before us, one experiences a grievous disillusion when he looks at them for the first time. It is only after you have made a thorough study of them in mass and in detail that they impress you with their amazing vastness. Nowhere else in America can you, in my opinion, find a more imposing mass of ancient ruins, nor do I know of anything that can compare with this City of the Gods.

Starting from the south, near the boundary of this ancient city, I took a northerly direction under the guidance of an Indian, and we passed numerous hillocks, the remains of edifices that have fallen. They are now merely heaps of small porous stones mixed with soil, but their great number is evidence that a large population once in-

habited this site. Still continuing northward, we cross the Rio de San Juan, a little muddy stream which, in the rainy season, is a torrent carrying in its current fragments of obsidian, of which I will take away some specimens.

Since the abandonment of the ruins, this river has cut a deep gorge which separates about one third of the ruins on its south side from the remainder on the north. But, while the city flourished, the river must have worn a very different aspect from what it does now. It must have been canalized, and bridges must have connected the two portions of the city. In fact, on ascending the north bank, I found causeways constructed, like the walls of the houses, of a *tetzontli** concrete and covered with cement. The surface appears to have had a layer of lime, and at other points are seen traces of red paint. Strange to say, in some places we find two and three causeways superposed, the one two or three feet above the other, and one asks the reason, the purpose, of these successive causeways, on which promenaders and the citizens in general must have walked in crossing from one side of the river to the other.

If these causeways belonged to different epochs, the stratum of vegetable mold between them would indicate a very high antiquity; and in a country that is generally dry and arid, where there is little or no vegetation, and where minerals decompose very slowly, we should have to allow millions of years for the formation of the two layers. But, on examining them closely, these two or three causeways appear to be all in the same state of preservation, and to belong to the same epoch; the consequence is, that we find ourselves here face to face with a mystery, as is ever the case with these American ruins. There are plenty of erroneous assertions, and absurd or questionable theories—plenty of ridiculous traditions; but nothing that is of any real historic value.

The farther we go northward, the more do the rubbish-heaps increase in number: we walk through fields bounded by hillocks, and strewed with fragments of pottery of every hue, and with little figures of idols in every shape. These *débris* grow still more abundant as we approach the Pyramid of the Sun. The very soil seems made up of these materials, and we picked up a quantity of specimens, some of them very fine.

Soon we reached the Pyramid of the Sun, which rises abruptly from the plain like a volcanic excrescence, having no platform to support it, as have the pyramids in Yucatan. Its base is seven

* A porous stone of volcanic origin.

hundred and sixty-one feet square, and its height two hundred and sixteen feet. It exactly faces the four cardinal points. Traces remain of four esplanades one above the other on the summit, and there is no sign of any stairways. Possibly there was originally an inclined plane.

The body of the pyramid is constructed of volcanic *débris* laid in vegetable mold; there is no sign of mortar. But the structure was coated with a cement, of which large slabs still remain in perfect condition. This coat of cement was overlaid with white stucco very highly polished, as were all the houses. At the time of the erection of these pyramids, when public monuments and private dwellings were still standing whole, and with their white walls glistening in the sun, in the midst of this splendid plain with its rim of mountains tinted blue and rose color, the whole must have presented a unique and wonderful spectacle. Surround these monuments, temples, and dwellings with gardens, and then imagine what a prospect greeted the eyes of the astonished Spaniards! Add to this that everywhere one found traces of causeways which extended across the whole city out to the distant suburbs, and you will comprehend the description given of the place by Torquemada.

"All these temples and palaces, and all these houses round about," says Torquemada, "were wholly built of white polished lime, so that on beholding them from afar one experienced no end of pleasure at the sight. The alleys, the streets, and the plazas were of colored and polished cement, and so fair were they, so cleanly and so shining, that it seemed impossible that human hands should have been able to construct them, or that human feet durst tread them.

"And so true is this, that, all exaggeration aside, my report can be believed, for, in addition to what others have certified to me, I have myself seen certain ruins that gave proof of all I have said; and amid these temples were trees and flowers, magnificent gardens, and parterres breathing fragrance, all for the service and the ornamentation of the temples."

To ascend the pyramid is a laborious undertaking, and the descent is full of peril. But, having once attained the platform, we have spread before us a grand spectacle—endless ruins round about, the entire plain, to the northeast the village of San Martin; to the south San Juan; and on the southwest Otumba, famous as the scene of Cortes's victory after his great defeat of the *noche triste*, while round about is a ring of volcanic mountains.

Leaving the pyramid to the right, we now pursued a northerly course toward the Pyramid of the Moon along a splendid broad road, over one hundred and thirty feet in width, and bordered with little stone heaps, which represent the ruins of groups of dwellings. This roadway, the surface of which is in some spots still covered with cement, was nearly four miles in length, terminating at the foot of the esplanade in front of the Pyramid of the Moon. Before reaching this terminus the road widened on both sides to the extent of about three hundred and twenty-eight feet, thus forming the two arms of a cross whereof the route we had followed was the stem, and the Pyramid of the Moon the head; the whole forms a Greek



tau . At the angle formed by one of the arms with the stem

is found a mutilated statue of the goddess that formerly had her temple on the summit of the pyramid.

In front of the groups of houses which lined this highway, all of which stood a little off the street on raised ground, are seen, in a perfect state of preservation, the steps of stairways lying parallel to the axis of the street. On these, no doubt, the people and the numerous visitors who came to attend the public or religious ceremonies used to assemble. All this reminds us of the amphitheatres of Chichen-Itza and Uxmal, and we are disposed to give the same interpretation to them all.

This highway was, according to tradition, called by the Toltecs "the way of the dead" (*mihotli*). The Toltecs, observe, are reappearing everywhere, and if they did not found Teotihuacan they lived there. But at what period? At a time when Fate was pursuing them, for, according to the tradition cited by Señor Mendoza, they came to this holy place to entreat the gods to avert from them the calamities which had befallen them. But it so happened that, in the midst of the dances and other ceremonies they were performing in honor of these same gods, right on this road and in the amphitheatre, there suddenly appeared a giant among the dancers, and all whom he touched straightway died. On the morrow he came again. His fingers were now long and pointed; again he came in among the files of dancers, and so wounded them with his sharp nails that in two days there was no end of corpses. On the third day, on the top of the lofty mountain Hueitepetl, situate to the west of the pyramids, appeared a babe, white and fair to view, but which gave forth a deathly odor. Filled with terror by so many

misfortunes, and by the mortality which was decimating them, the surviving Toltecs resolved to go back to their capital, Tula or Tollan, and report to their fellow citizens the outcome of their expedition. Thereupon their priests enjoined them to quit that land for ever. Such at least is the account given by Torquemada; and Veytia, more conversant than he with the hieroglyphs and the traditions of the country, goes to a greater length in detailing the misfortunes which befell the Toltecs prior to their extinction. These myths are not difficult to interpret. According to the first-named historian, the giant represents the heavy inundations which had visited the country, laying it waste. The giant with pointed nails represents the scorching rays of the sun which destroy everything when they are not associated with the other elements of life. The beautiful white babe represents the frosts that destroyed the feeble vegetation which had survived the preceding calamities.

As for the *tau*, **T**, which is the principal figure in these ruins, and which we see repeated in the great highway, archæologists observe that all the nations of the earth have held that symbol as sacred and as full of deep mysteries. The priests kept these mysteries secret, and divulged them only to the initiates of the first degree. The symbolic sign of the *tau*, which represents a cross, with some slight differences in the forms, has existed among the most ancient nations—in Hindostan as at Palenque, in Egypt as at Teotihuacan. Other nations have one after another adopted it, but without knowing what meaning was given to it by the priests in the childhood of the human race. At Benares, Madras, and in all the ancient cities of India, the principal temples were cruciform. The famous Tenochtitlan (Mexico) was divided into four parts, forming a St. Andrew's cross, as may be seen in Plate I of the "Codex Mendoza." The symbol of the cross was known among all nations of the old as of the new continent; and, if we would know the meaning of this cross for the priests who in ancient times were the depositaries of science, we may interrogate the Egyptian hieroglyphs, and they will tell us that it was a representation of the four elements. It represented fire—the world's soul; water, which washes and cleanses, and which, according to Christian beliefs, effaces original sin; earth, the earth which bears within itself the source of every good, and which at death receives us while we await new transformations; finally, it represents the air in which we live and act.

The Pyramid of the Moon is only one hundred and fifty feet in height, and the panorama which we survey from its summit is



LARGE VASE OF AZTEC POTTERY.

equally grand. Toward the north we see ruins of dwellings not visible from the platform of the other great pyramid. Authors mention twenty-seven thousand dwellings, not reckoning the temples. Teotihuacan must have been a very large city.

On the left, before you reach the foot of the esplanade fronting the Pyramid of the Moon, is seen an excavation recently made into the side of a tumulus. The entrance is narrow, and the passage difficult, and within there is nothing to be seen but stones. In front of this excavation is seen an enormous statue in the style of all Mexican statues, but it is noteworthy on account of its great size. Originally it stood on the summit of a hill, but it had been cast down, suffering serious injury to its nose in the fall. It lay prone on the ground when Maximilian ordered it to be set up again, and we found it in a position favorable for taking a good photograph. This, together with a dozen other photographs taken amid the ruins and in the neighborhood, we will carry away with us.

As for this gigantic statue, it represents one, but which one we can not say, of the divinities worshiped by the builders of the City of the Gods, the famous Teotihuacan. The idol is a trachyte block in the form of a parallelopipedon, very rudely sculptured, and in all respects resembling a multitude of other gods that date from a later period. However great their talents, their ingenuity as builders, it must be confessed that the founders of this city had no artistic faculty. The block of trachyte is nearly ten and a half feet in height and nearly sixty-four inches square at the base; its estimated weight is thirty-six thousand pounds—a rather ponderous specimen and interesting withal, but very ugly.

Now, must we charge this imperfection of their sculpture to a lack of taste? Was it perchance some hieratic principle that maintained this style, as we find to be the case in certain other countries? Or, was it because the people lacked the tools needed for working hard stone? Their sculptures, some of them at least, appear to have been executed by the process of rubbing; and surely it were difficult to attain perfection in that way, as we can well understand. But if we examine specimens of their vases or any of those little terra-cotta figures, fashioned as they were out of less refractory material, we shall find them to be true *chefs-d'œuvres*, genuine works of art. Thus in our first excavation at Teotihuacan we found some one hundred and twenty-five heads of idols or *lares*, and divers other objects, among them some perfectly modeled

masks. Further, every type is represented in this little collection, which I shall certainly duplicate on my next visit.

Among these Indian masks which appear to reproduce all the races of Mexico from infancy to old age, among these terra-cotta specimens representing truly or in caricature all the social gradations, we find two figures of exceptional interest.

One of these specimens is a negro's head with thick lips and woolly hair, all perfectly designed ; the other the face of a woman, rather disfigured by a broken nose, but plainly of European or Grecian type, and reminding us, by its features, of the Venus of Milo. This looks like a pleasantry ; but, no—my photographs will prove that I simply state facts. It must not be forgotten that we are here in the land of mysteries as regards history and race. How many races have come together here to blend into one ? Not even the most learned can give the answer. Outside of the Mexican people—I mean the Aztecs—we know nothing. And yet two men have had the audacity—the *naïveté*, perhaps, or the impudence—to pretend that they can answer the question. There are many fools who are in good faith, and such probably are the two fools now in question. But both the Abbé Brasseur and Dr. Le Plongeon have gone so far as to say that they conversed with the ancient Americans, as one might converse with a friend. No detail of their life is hidden from them. And the second, copying the first, even surpasses him in his absurdities. They have no difficulty in recalling memories eighteen thousand years old ; they decipher every monumental inscription ; they know exactly what every man did !

The Secretary of the Interior has written on the subject of Le Plongeon's discovery. He tells with what ardor M. Le Plongeon and his wife devoted themselves to their researches ; and in truth we must recognize in the traveler great sincerity and much love of science or of fame, but still more humbuggery in his mode of publishing his happy find.

The pair were at Chichen-Itza, and "one day," writes the Secretary, "certain distinguished persons from Merida paid them a visit. On seeing the archæologist, they feared his reason was soon to be dethroned, so intent was he on his meditations. Suddenly, like a flash, he started and ran straight for a certain point, and there, stamping the ground with his foot, he exclaimed, with the air of one inspired, 'Here it is !' and there was the statue !"

We proceed northward, always amid ruins, everywhere finding, as before, traces of cement-covered causeways. The fields are

bounded by walls built of *tetzontli*, the *débris* of the ruined monuments. We find other ruins representing the houses built by the first Spaniards who settled in the country after the conquest.

The new-comers imitated the original inhabitants in their mode of building. The material they employed was a conglomeration of stones and mud, which they covered with a layer of cement. In the courtyards and in these open interiors the Indians of the present day have built their cabins (*jacales*), filthy dens built of brushwood and *débris*, which one can not enter without stooping, and within which one can not stand erect. Here the Indians sleep huddled together, in summer suffocated by the heat, in winter chilled by the frosts. Their only food consists of a few black beans, seasoned with pimento and tortillas of maize. Often, very often, they assured me, even of this sort of fare they have not enough. The unfortunate head of a family has sometimes several children, and he earns two reals (twenty-five cents) per day. How is he to feed five to eight persons on that? Of their clothing I say nothing. It consists of filthy rags, which leave the body half naked, exposed to every vicissitude of the seasons.

I entered one of these cabins, and found that it contained nothing whatever in the way of furniture or utensils. The wretches sleep in a little recess on the floor of beaten earth. In some of the cabins, those of the better sort, I found one, two, and three pious images hung on spines of the maguey.

Outside, in the open air, is seen the *metate*, or stone used for grinding maize. Kneeling beside this, the wife from morning till night busies herself preparing tortillas. "Why do you not," I asked the Indians, "turn to account the walls here standing? By roofing them over you might make yourselves good houses to shelter your wives and children." "Ah, señor, we have not the timber." "But there are trees in the fields." "Ah, señor, we should have to buy them, and we have not the money." "But club together; three or four families could live in one of these big houses." Union, association, is a force of which they have no idea. They squat in wretchedness, for that is their traditional state, which they will continue from father to son till, perchance, one of them awakens the race from its morbid slumber.

THE SUN-STONE, OR TIZOC'S STONE.

I here give in brief the history of the famous stone commonly known as the Stone of Sacrifices, now to be seen in the courtyard of the National Museum at Mexico.

This monument was found in the plaza at Mexico, the sculptured part undermost ; and, like many other stones found in the same place and at the same period, it would probably have been broken up for use in paving the plaza, had not the Canónigo Gamboa fortunately been passing that way, who put a stop to the work of destruction that had already begun, and had the monument set up in the northwest corner of the cathedral churchyard. There it remained till 1824, when it was transferred to the court of the university. To-day it stands in the middle of the courtyard of the National Museum, where it was placed in 1873 under the direction of Señor Ramon Isaac Alcarez.

This monument is not at all a stone of sacrifice, for it has neither the shape nor the size of such a stone. Its upper surface is a plane, while that of the Stone of Sacrifices was convex. For the better understanding of the difference between Tizoc's stone and the Stone of Sacrifices, we will select from among many accounts of the latter stone the one given by Father Duran, who, when writing of the festival of Huitzilopochtli, discourses as follows of the sacrifices :

"There were six priests : four to hold the feet and hands of the victim, one to hold him by the throat, and one to cut open his breast and tear out the heart, which he offered to the idol.

"The name of the first five was *Chachalmeca*, which in our language means Levite, or minister of divine things. Their office was held in the highest respect, and passed from father to son. The sixth minister, he who slew the victim, was considered and venerated as the high pontiff. His name varied according to the difference of the times and the solemnities in which he offered sacrifice, as also according to the pontifical vestments he had on when he prepared himself to discharge the functions of his supreme dignity.

"On the festival of the idol we are now speaking of, he assumed the name of *Topiltzin*. His attire consisted of a red tunic fashioned like a dalmatica, the hem adorned with green embroidery. On his head he wore a crown of green and yellow plumes, his ears were incased in gold incrustated with green gems, and in his nether lip he had a *bezote* of blue stones.

"These six sacrificers entered *embijados* and with their faces blackened ; the first five had their hair frizzed ; on their foreheads they had small disks of paper in divers colors ; they were clad in white dalmaticas embroidered with black, called *papalocuachtli*.

"They looked like very demons, and in this guise inspired the people with great awe. The high-priest held in his hand a large

stone knife, with a very broad blade and very sharp ; his colleague (the fifth priest mentioned above) carried a wooden collar, or yoke, fashioned in the shape of a serpent.

“Having come before the idol they did homage to it, and then stationed themselves in order near a convex stone, which stood in front of the recess in which the idol stood. This stone in height reached the girdle of the priests, and its upper surface was so rounded that, when the victim was laid down upon it, with his shoulders resting on the convexity, his body assumed an upward curve, and when the knife was thrust into his breast the man would burst open down the middle like a grenade.

“These butchers having taken their places, the hideousness of their aspect intensified by a circle of white painted around their mouths, the prisoners to be sacrificed were led in. The victims were required to belong to certain special nations—those of Tlascala, Calpa, Tepeaca, etc.—for the god would have no others. Attended by guards they ascended, naked and in single file, the steps of the stairway till they stood before the Stone of Sacrifice. There one after another they were seized by four priests and laid on the top of the stone, a fifth priest securing the head in the wooden collar or yoke. The chief priest then laid open the victim’s breast, and with marvelous quickness plucked out the heart, which he held out in his hand toward the sun as an offering ; then turning toward the idol, he threw the heart at its feet.

“So soon as the heart was plucked out, the other priests cast the body down the stairway. All prisoners, whether few or many, taken from certain specified nations, were sacrificed in this way.

“The victims having been slain and their bodies cast down to the base of the pyramid, they who had made them prisoners seized them, carried them off, divided them among themselves, and feasted on them with much ceremony.”

There were never less than forty or fifty prisoners sacrificed on the festival of the sun-god. The inhabitants of the towns from which these prisoners came—Tlascala, Calpa, Tepeaca, etc.—themselves kept the same festival and with the same ceremonies, sacrificing the prisoners they had taken from the Aztecs ; and, as this feast of the sun-god was observed in all the provinces, we can form some notion of the number of victims offered up throughout the entire region on this day. I have been assured that it exceeded one thousand. But on occasions of extraordinary solemnity, for instance at the consecration of the temple built by Tizoc—of which the sun-

stone was designed to be an enduring memorial—some historians assert that the number of victims did not fall short of eighty thousand, others reduce the figure to twenty thousand, an estimate that seems probable enough. However this may be, it is seen from the account given above that the sun-stone, or Tizoc's stone, can not be the Stone of Sacrifices described by Father Duran, and called *Techcatl*.

Certain historians have spoken of the sun-stone as being a *temalacatl*, or gladiator's stone, but that this is an error appears from the description given of a gladiator's stone by Sahagun.

According to him the *temalacatl* resembled a great millstone, and had a hole in the center. It was the custom to make a slave stand on this stone, and there to fight for his life. He was tied to the stone by a cord passed around his waist, so that he could not overstep the circumference. He was armed, so that he could defend himself against whoever might attack him. Such combats took place very frequently, and they attracted spectators from all the country around. A *satrap* (as Sahagun quaintly denominates him), or priest, clad in a bear-skin or a wolf-skin, was the prisoners' second; he it was who led them to the stone, secured them to it, gave them their weapons, and commiserated their lot while they were engaged in combat. When they succumbed, it was he that removed their dead bodies and plucked out their hearts.

In the opinion of Señor Antonio de Leon y Gama, the carving which adorns the edge of the sun-stone represents religious dances; but, if we accept Señor Orozco y Berra's well-reasoned and erudite views, it will appear to have a very different meaning. According to him, the fifteen groups of two personages each which adorn the circumference of the stone are designed to commemorate the victories of Tizoc over fifteen different nations. Each nation is represented by a man making submission to his conqueror, who seizes him by the hair. We give, with some abridgment, Señor Orozco y Berra's account of this stone:

"The monument we are examining," says he, "is a cylinder of trachyte, 2·69 metres (over eight feet) in diameter, 0·84 metre (about thirty-three inches) in height, and 8·28 metres (about twenty-seven feet) in circumference. The under surface is plain and smooth; the upper surface and the circumference are covered with figures in relief.

"In the center of the upper surface of the stone there is a hole communicating with a channel that terminates at the circumfer-

ence. Gama hereupon remarks that, though the face which decorated the centre has disappeared, we see that this face was evidently destroyed, leaving in its stead a badly formed cavity at which the channel begins, penetrating through half the thickness of the figures on the stone. This channel," he adds, "is quite out of keeping with the fine sculpture through which it runs, and clearly was cut in the stone at a later period by some persons who intended to disfigure or altogether destroy all the monuments which remain to perpetuate the memory of the ancients.

"Ramirez is of the same opinion as Gama, and says that the circular cavity in the center of the stone and the channel, which, beginning at the cavity, extends into the relief of the cylindrical part, gave rise to the belief that this was indeed a sacrificial stone, and that the blood of the victim was collected in the central cavity and thence passed to the circumference through the channel. These transformations (the cavity and the channel) are simply the work of destruction.

"It is with regret that we differ from such high authorities. On examining the stone carefully, we see that the circular cavity follows with perfect exactness the circumference of the circle which bounds it. Its diameter is forty-six centimetres (about eighteen inches), its depth fifteen centimetres (six inches), the concave form plainly indicating that the intention was to represent the figure of the vessel called *xicalli*, or *jicara* (a cup).

"The channel, which is 1.12 metre long (about forty-four inches), 0.085 metre (3.3 inches) deep, and of the same dimensions throughout, terminates in parallel lines: it is like the horizontal section of a tube. From all this we infer that the cavity and the channel belong to the stone, and are of the same date as the other sculptures upon it; for if their object had been to destroy the stone, they would not have regarded the central lines nor assumed any regular form; besides, the chisel-cuts would have been made at random, without order or method.

"Besides, there is no question at all that the cavity and the channel belong to and are distinctive of the stones called *cuauhxicalli* (i. e., cups of the Knights of the Sun), of which Gama seems to have known nothing, but the existence of which we admit on very competent authority. This monument is, then, a *cuauhxicalli*, and we now purpose to define its relations to the *cuacuauhtin*, or Knights of the Sun.

"According to Father Duran, it accompanied the sun-stone
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vulgarly called 'the calendar.' On this stone the Aztecs were wont to sacrifice the *messenger of the sun*, by beheading him. The blood flowed into the central cavity and was thence carried away through the canal and poured out before the chamber of the sun, and the sun, which was seated (sculptured) on the stone, gloated on this blood.

"In this *xicalli*, or *jicara* (cup), were sometimes placed the hearts of the victims, which were then called by the special title of *cuauh-nochtli* which means "eagles' figs." Hence there appears to be some ground for the name vulgarly given to this monument, namely, the Stone of Sacrifices, for it was occasionally so employed, yet, as we have shown, it was not the *techcatl* of the ordinary sacrifices, nor the *temalacatl* of the gladiators.

"But where is the effigy of the sun which was graven on the upper surface of the stone? Let us analyze the bas-reliefs. The central cavity is surrounded by halos formed of single or composite rings. The first is a single ring; the second consists of sixteen small concentric circles in pairs; the third is single and broad; the fourth single and narrow; the fifth is made up of forty narrow rings; the sixth is single; the seventh consists of forty-eight narrow rings. This last halo or ring is surmounted by four figures, like the capital letter A without the transverse line, but with the extremities bent into a spiral. These divide the outer circumference of the halos into four equal parts. Among these figures there is found an eighth ring divided into four parts, each of which contains eight cruciform figures with a small circle within the arms. Four triangular figures stand above this ring, which divide it into eight equal parts.

"In the spaces between these four triangles are eight figures in the form of double semi-ellipses—in all, sixty-four for the circumference. Finally, in the spaces between the triangular figures above these ellipses, there are eight trapezoidal figures resembling a quiver full of arrows. These have at the base one of the cruciform figures, and terminate above in four semi-elliptical figures. Two double circles flank this figure, one on each side. These figures divide the outer circumference into sixteen equal parts. The relief of the sculpture is twenty-five millimetres (nearly one inch) high.

"The first thing which strikes us is the fact that these triangular figures, trapeziums, single and double rings, cruciform figures, and semi-ellipses, all occur in fours or multiples of four. It must be observed that among the Mexicans the number four was cabalistic

and mystical. They counted four cosmogonic suns or ages of the world ; four motions of the sun, which give rise to the four seasons ; four chief divisions of the day, subdivided into eight ; and four *tlolpilli* (or periods of thirteen years) in their cycle of fifty-two years.

“According to them, the sun was four times extinguished with the human race ; four times, too, mankind was restored to the earth, a single pair escaping in the four great cataclysms produced by the four elements, air, earth, water, and fire.

“The whole design undoubtedly was intended to represent the sun as the Mexican astronomers conceived of its physical constitution.

“We will now consider the bas-reliefs on the convex surface of this monument. They consist of fifteen groups, of two persons each, facing one another. What is the meaning of these groups ?

“In the hieroglyphic pictures of the Mexicans, combat, battle, and war had divers modes of expression. The natural, mimetic representation of war would be to paint a multitude of armed men fighting, the dead and wounded on the field—in short, the destructive effects of all the enginery of war as we represent them ourselves in paintings. But, probably, having found that plan very embarrassing, considered as a mode of writing, the Mexicans came at last to represent by a single figure each of the two sides. Hence, in the ‘Codex Telleriano,’ the ‘Remense,’ and the ‘Vaticano,’ and in other manuscripts, war is represented by two individuals engaged in fight. In order to avoid all obscurity, each combatant has his costume, his arms, and his ornaments ; besides, he bears the name of the population to which he belongs, or the distinctive marks of his tribe.

“In Plate I of the ‘Codex Mendoza’ we see a warrior armed and brandishing his weapons, with another warrior unarmed before him, who bows down to him in token of submission. Behind this second warrior is the name of the town he represents, and a *teocalli* in flames, with the roof falling. This latter sign, which in the ‘Codex Mendoza’ accompanies the names of all the subject provinces, is used exclusively to denote the cities taken by assault ; for it was the custom of the Mexicans to burn down and destroy the chapels of the principal *teocalli* when they took a town by force.

“In this case the picture passes from the mimetic to the allegorical painting, inasmuch as it indicates not only the battle, but

also the submission, the destruction, and the pillage of the enemy's town.

"Again, among the plates of the 'Codex Mendoza,' which refer to the conquests of the Kings, one of the latter is seen with a sign inscribed in front of him, namely, a shield (*chimalli*) supported on a sheaf of arrows (*mitl*) ; near by you see the symbols of subjugated nations.

"The interpretation of all this is easy. Some king has conquered such or such a population. The arrows and the shield possess the phonetic value of *yaoyotl* (war, battle). Or we may combine the significations of the two objects, and then we should read 'Mitl Chimalli,' which metaphorically would in the language of the Mexicans mean war and battles. In that case the sign would be transformed from the allegorical into the ideographical, or even into the phonetic.

"Applying this system to the groups on the sun-stone, we shall have no difficulty in admitting that they represent battles, the victor being the figure on the right holding the vanquished by the hair of the head. The vanquished one is recognized by his bent figure and his submissive attitude. The hieroglyphic sign above his head gives the name of the population to which he belongs. We can not, with Gama, suppose these groups to represent dancers ; they are victors and vanquished."

According to the "Codex Mendoza," Tizoc ascended the throne of Mexico in 1481 and died in 1486.

This Tizoc, who was the seventh Aztec king, is represented by a leg, which was his hieroglyphic name. The leg, which personifies him, is inscribed above his head. So with the figures of the vanquished : each is accompanied by a sign which gives the name of the nation which he represents. They carry in the left hand two arrows, and with the right they appear to be presenting to the victor a weapon which is nothing else than the knife that was used for the sacrifice.

The cavity in the center of this stone, which formerly received the hearts of the victims offered to the sun-god, is now used as a bath by the doves which frequent the courtyard of the Museum.

DÉSIRÉ CHARNAY.

THE PERPETUITY OF CHINESE INSTITUTIONS.

AMONG the points relating to the Chinese people which have attracted the attention of students in human history, their long duration and literary institutions have probably taken precedence. To estimate the causes of the first requires much knowledge of the second, and from them one is gradually led on to an examination of the government, religion, and social life of this people in the succeeding epochs of their existence. The inquiry will reveal much that is instructive, and show us that, if they have not equaled many other nations in the arts and adornments of life, they have attained a high position in its comforts, and developed much that is creditable in education, government, and security of life and property.

As results must have their proportionate causes, one wishes to know what are the reasons for the remarkable duration of the Chinese people. Why have not their institutions fallen into decrepitude, and this race given place to others during the forty centuries it claims to have existed? Is it owing to the geographical isolation of the land, which has prevented other nations easily reaching it? Or have the language and literature unified and upheld the people whom they have taught? Or, lastly, is it a religious belief and the power of a ruling class working together, which has brought about the security and freedom now seen in this thrifty, industrious, and practical people? Probably all these causes have conduced to this end, and our present object is to outline what seems to have been their mode of operation.

It may be remarked, *in limine*, that we wish to examine this subject in the belief of the personal rule of an Almighty Governor over the nations of the earth—One who not only has made of one blood all nations, and determined the times before appointed, and the bounds of their habitation, but who also prolongs or cuts short their national life according to their moral condition and regard for

justice, truth, and peace. The Bible clearly furnishes the only adequate explanation of God's government of nations as distinct communities, and its declarations give us both light and arguments in the study and appreciation of Chinese character and civilization. We hardly need say, too, that the ignorance of its people of that Book, and of the existence and attributes of God, the sanctions of his law, and their own relations to his government here and hereafter, adds a feature of peculiar interest to this inquiry.

The position of their country has tended to separate them from other Asiatic races, even from very early times. It compelled them to work out their own institutions without any hints or modifying interference from abroad. They seem, in fact, to have had no neighbors of any importance until about the Christian era, up to which time they occupied chiefly the basin of the Yellow River, or the nine northern provinces as the empire is now divided. Till about B. c. 220, feudal states covered this region, and their quarrels only ended by their subjection to Tsin Chi Hwangti, or the Emperor First, whose strong hand molded the people as he led them to value security and yield to just laws. He thus prepared the way for the Emperors Wăn-ti (B. c. 179-156) and Wu-ti (B. c. 140-86), of the Han dynasty, to consolidate, during their long reigns of twenty-nine and fifty-four years, their schemes of good government.

The four northern provinces all lie on the southeastern slope of the vast plateau of Central Asia, the ascent to which is confined to a few passes, leading up five or six thousand feet through mountain defiles to the sterile, bleak plains of Gobi. This great sandy region has always given subsistence to wandering nomads enough to enable traders to cross its grassy wastes. When their numbers increased, they burst their borders in periodical raids, ravaging and weakening those whom they were too few to conquer and too ignorant to govern. The Chinese were too unwarlike to keep these tribes in subjection for long, and never themselves colonized the region, though the attempt to ward off its perpetual menace to their safety, by building the Great Wall to bar out their enemies, proves how they had learned to dread them. Yet this desert waste has proved a better defense for China against armies coming from the basin of the Tarim River than the lofty mountains on its west did to ancient Persia and modern Russia. It was easier and more inviting for the Scythians, Huns, Mongols, and Turks successively to push their arms westward, and China thereby remained intact, even when driven within her own borders.

The western frontiers, between the Kia-yu Pass in Kansuh, at the extreme end of the Great Wall, leading across the country south to the island of Hainan, are too wild and rough to be densely inhabited or easily crossed, so that the Chinese have always been unmolested in that direction. To invade the eastern sides, now so exposed, the ancients had no fleets powerful enough to attack the Middle Kingdom ; and it is only within the present century that armies carried by steam have threatened her seaboard.

The Chinese have, therefore, been shut out by their natural defenses from both the assaults and the trade of the dwellers in India, Thibet, and Central Asia, to that degree which would have materially modified their civilization. The external influences which have molded them have been wholly religious, acting through the persistent labors of Buddhist missionaries from India. These zealous men came and went in a ceaseless stream for ten centuries, joining the caravans entering the northwestern marts, and ships trading at southern ports.

In addition to this geographical isolation, the language of the Chinese has tended still more to separate them intellectually from their fellow-men. It is not strange, indeed, that a symbolic form of writing should have arisen among them, for the Egyptians and Mexicans exhibit other forms of ideographic writing, as well as its caprices and the difficulty of extending it. But its long-continued use by the Chinese is hardly less remarkable than the proof it gives of their independence of other people in mental and political relations. Outside nations did not care to study Chinese books through such a medium, and its possessors had, without intending it, shut themselves out of easy interchange of thought. This shows that they could not have had much acquaintance in early times with any alphabetic writing like Sanskrit or Assyrian, for it is almost certain that, in that case, they would soon have begun to alter their ideographs into syllables and letters, as the Egyptians did ; while the manifest advantages of the phonetic over the symbolic principle would have gradually insured its triumph. In that case, however, the rivalries of feudal states would have resulted, as in Europe, in the formation of different languages, and perhaps prevented the growth of a great Chinese race. In Japan and Corea the struggle between symbols and sounds has long existed, and two written languages, the Chinese and a derived demotic, are now used side by side in each of those kingdoms.

This isolation has had its disadvantageous effects on the people

thus cut off from their fellows, but the results now seen could not otherwise have been attained. Their literary tendencies could never have attained the strength of an institution if they had been surrounded by more intelligent nations; nor would they have filled the land to such a degree if they had been forced to constantly defend themselves, or had imbibed the lust of conquest. Either of these conditions would probably have brought their own national life to a premature close.

Isolation, however, is merely a negative feature in this question. It does not account for that life, nor furnish the reasons for its uniformity and endurance. These must be sought for in the moral and social teachings of their sages and great rulers, who have been leaders and counselors, and in the character of the political institutions which have grown out of those teachings. A comparison of their national characteristics with those of other ancient and modern people shows four striking contrasts and deductions. The Chinese may be regarded as the only pagan nation which has maintained democratic habits under a purely despotic theory of government. This government has respected the rights of its subjects by placing them under the protection of law, with its sanctions and tribunals; and making the sovereign amenable in the popular mind for the continuance of his sway to the approval of a higher Power able to punish him. Lastly, it has prevented the domination of all feudal, hereditary, and priestly classes and interests by making the tenure of officers of government below the throne chiefly depend on their literary attainments. Not a trace of Judaistic, Assyrian, or Persian customs or dogmas appears in Chinese books in such a definite form as to suggest a Western origin. All is the indigenous outcome of native ideas and habits.

Underlying these characteristics is one general idea that should here be mentioned, because of its importance and power. This is the worship and obedience due to parents and ancestors—a homage given to them in this world, and a reverence to their manes in the next, which are unknown to a similar extent in any other land. Regard for parents has assumed the sanctity of worship in many other countries, indeed, but in no nation has it exerted such a powerful influence, and been kept so long in its original purity.

In the "*Book of Odes*," whose existence is coeval with Samuel and David, or earlier, are many references to this worship, and to certain rites connected with its royal observance. At some festivals the dead were personated by a younger relative, who was sup-

posed to be taken possession of by their spirits, and thereby became their visible image. He was placed on high, and the sacrificer, on appearing in the temple, asked him to be seated at his ease, and urged him to eat, thereby to prepare himself to receive the homage given to the dead. When he had done so, he gave the response in their name; the deified spirits returned to heaven, and their personator came down from his seat. In one ode the response of the ancestors through their personator is thus given:

“What said the message from your sires?
Vessels and gifts are clean;
And all your friends, assisting you,
Behave with reverent mien.

“Most reverently you did your part,
And reverent by your side
Your son appeared. On you henceforth
Shall ceaseless blessings bide.

“What shall the ceaseless blessings be?
That in your palace high,
For myriad years you dwell in peace,
Rich in posterity.”—LEGGE'S *She King*.

The teachings of this ancient book intimate that the protecting favor of the departed could be lost by the vile, cruel, or unjust conduct of their descendants—thus connecting ancestral worship and reward with personal character. Another ode sums up this idea in the expression, “The mysterious empyrean is able to strengthen anything; do not disgrace your imperial ancestors, and it will save your posterity.” Many stories occur in the native literature exemplifying this idea by actual experiences of blessing and cursing, all flowing from the observance or neglect of the required duties.

The great sages Confucius and Mencius, with the earlier rulers, King Wăn and Duke Chau, and their millions of followers, have all upheld these sentiments, and those teachings and examples are still as powerful as ever. In every household, a shrine, a tablet, an oratory, or a domestic temple, according to the position of the family, contains the simple legend of the two ancestral names written on a slip of paper or carved on a board. Incense is burned before it, daily or on the new and full moons; and in April the people everywhere gather at the family graves to sweep them, and worship the departed around a festive sacrifice. To the children it has all the pleasant associations of our Christmas or Thanksgiving; and all the

elder members of the family who can do so come together around the tomb or in the ancestral hall at the annual rite. Parents and children meet and bow before the tablet, and in their simple cheer contract no associations with temples or idols, monasteries or priests, processions, or flags and music. It is the family, and a stranger intermeddleth not with it; he has his own tablet to look to, and can get no good by worshiping before that bearing the names of another family.

As the children grow up, the worship of the ancestors, whom they never saw, is exchanged for that of nearer ones who bore and nurtured, clothed, taught, and cheered them in helpless childhood and hopeful youth, and the whole is thus rendered more personal, vivid, and endearing. There is nothing revolting or cruel connected with it, but everything is orderly, kind, and simple, calculated to strengthen the family relationship, cement the affection between brothers and sisters, and uphold habits of filial reverence and obedience. Though the strongest motive for this worship arises out of the belief that success in worldly affairs depends on the support given to parental spirits in Hades, who will resent continued neglect by withholding their blessing, yet, in the course of ages, it has influenced Chinese character in promoting industry and cultivating habits of domestic care and thrift, beyond all estimation.

It has, moreover, done much to preserve that feature of the government which grows out of the oversight of Heaven as manifested to the people through their Emperor, the Son of Heaven, whom they regard as its vicegerent. The parental authority is also itself honored by that peculiar position of the monarch, and the child grows up with the habit of yielding to its injunctions, for to him the family tablet is a reality, the abode of a personal Being who exerts an influence over him that can not be evaded, and is far more to him as an individual than any of the popular gods. Those gods are to be feared and their wrath deprecated, but the "illustrious ones who have completed their probation" represent love, care, and interest to the worshipers if they do not fail in their duties.

Another indirect result has been to define and elevate the position of the wife and mother. All the laws which could be framed for the protection of women would lack their force if she were not honored in the household. As there can be only one "illustrious consort" (*hien pi*) named on the tablet, there is of course only one wife (*tsi*) acknowledged in the family. There are concubines (*tsieh*), whose legal rights are defined and secured, and form an integral

part of the family ; but they are not admitted into the ancestral hall, and their children are reckoned with the others as Dan and Asher were in Jacob's household. Polygamous families in China form a small proportion of the whole ; and this acknowledged parity of the mother with the father, in the most sacred position she can be placed, has done much to maintain the purity and right influence of woman amid all the degradations, pollutions, and moral weakness of heathenism. It is one of the most powerful supports of good order. It may even be confidently stated that woman's legal, social, and domestic position is as high in China as it has ever been outside of Christian culture, and as safe as it can be without the restraints of Christianity. Another benefit to the people, that of early marriages, derives much of its prevalence and obligation from the fear that, if neglected, there may be no heirs left to carry on the worship at the family tomb.

The three leading results here noticed, viz., the prevention of a priestly caste, the confirmation of parental authority in its own sphere, and the elevation of the woman and wife to a parity with the man and husband, do much to explain the perpetuity of Chinese institutions. The fact that filial piety in this system has overpassed the limit set by God in his Word, and that deceased parents are worshiped as gods by their children, is both true and sad. The knowledge of his law can alone put all parties in their right positions ; but the result now before us in the history of the sons of Han may lead us to acknowledge that the blessing of the first commandment with promise has come upon them, and their days have been long in the land which God has given them.

There is, however, need of something much stronger and wiser than all these influences and obligations to control and direct a well-constituted state. We must seek for it in the literary institutions of China, and examine how they have worked to preserve it. Without stopping to discuss the origin and quality of her literature, previous to the Chau dynasty (B. C. 1122), it may be remarked that at that time some of the best men whose deeds are recorded succeeded in overthrowing the Shang dynasty, and planting their own family in its stead. Their sway was patriotic and beneficial, and their writings upon the principles of good government became authoritative. Their empire, however, gradually fell into the condition of France after Charlemagne's death, through the internecine strifes of the feudal kings, when Confucius and Mencius arose in the fifth and fourth centuries. They saw that the people were lapsing into

barbarism, and undertook to teach them political ethics, and fortify their own precepts by the well-known instructions of the ancient kings. They appealed to their recognized excellence as the best exemplars, and a reason for urging a return to those approved standards. These eminent men thus obtained a hearing and support from their countrymen, while the experience of the intervening centuries enabled them to enlarge their range of thought and discuss every function of a state. If it be suggested that God raised up Confucius, Mencius, King Wăn, and Duke Chau, and others, as leaders of the Black-haired race, to give them good examples and wise maxims in social, political and domestic life, he also raised up similar guides and rulers in Persia, Babylon, Greece, and especially in Israel, whose instructors were purer and better than all. What, then, accounts for the paramount influence of the Chinese classics on that people, and the little regard which was paid to Cyrus, Solomon, Plato, Zeno, and others, by their countrymen of after-ages? The solution is, if anywhere, to be found in the prevalence of popular education from very early times. This gradually elevated literary above warlike and mercantile pursuits, and prepared the way for the adoption of the system of competitive examinations for eligibility to office, which originated about B. C. 150 by the Han dynasty.

The pure teachings in practical morality of the nine classics had by that time come to be regarded as of the highest authority. When Liu Pang obtained the throne of all China (B. C. 202), the long struggle of forty years had destroyed all the feudal kings and aristocracy with their several states, and left a clear field for the Emperor to select the best men from every rank of life. He naturally looked to the *litterati*, whose studies in those political ethics had fitted them somewhat for carrying precept into practice; and the examinations for office are still restricted to subjects drawn from those books. Strictly speaking, no religious system is therein taught, for their purpose is to inculcate the highest morality and the best government, as founded on human experience.

The boy commences his education by learning these maxims; and by the time he has got his degree, and long before, too, the highest truths and examples he knows of are more deeply impressed on his mind than Biblical truths and examples are on graduates of Yale, Oxford, Heidelberg, or the Sorbonne. The honor and power of official position and the high standing paid to scholarship have proved to be ample stimulus and reward for years of patient study. Not one in a score of graduates ever obtains an office, and not one

in a hundred of competitors ever gets a degree ; but they all belong to the literary class, and share in its influence, dignity, and privileges. Moreover, these books render not only those who get the prizes well acquainted with the true principles on which power should be exercised, but the whole nation—gentry and commoners—know them also. These unemployed *literati* form a powerful middle class, whose members advise the work-people who have no time to study, and aid their rulers in the management of local affairs. Their intelligence fits them to control most of the property, while few acquire such wealth as gives them the power to oppress. They make the public opinion of the country, now controlling it, then cramping it ; alternately adopting or resisting new influences, and sometimes successfully thwarting the acts of officials, when the rights of the people are in danger of encroachment ; or at other times combining with the authorities to repress anarchy or relieve suffering.

This class has no badge of rank, and is open to every man's highest talent and efforts, but its complete neutralization of hereditary rights, which would have sooner or later made a privileged oligarchy and a landed or feudal aristocracy, proves its vitalizing, democratic influence. It has saved the Chinese people from a second disintegration into numerous kingdoms, by the sheer force of instruction in the political rights and duties taught in the classics and their commentaries. While this system put all on equality, human nature, as we know, has no such equality. At its inception it probably met general support from all classes, because of its fitness for the times, and soon the resistance of myriads of hopeful students against its abrogation and their consequent disappointment in their life-work aided its continuance. As it is now, talent, wealth, learning, influence, paternal rank, and intrigue, each and all have full scope for their greatest efforts in securing the prizes. If these prizes had been held by a tenure as slippery as they are in the American Republic, or obtainable only by canvassing popular votes, the system would surely have failed, for "the game would not have been worth the candle." But in China the throne gives a character of permanency to the Government, which opposes all disorganizing tendencies, and makes it for the interest of every one in office to strengthen the power which gave it to him. This loyalty was remarkably shown in the recent rebellion, in which, during the eighteen years of that terrible carnage and ruin, not one imperial official voluntarily joined the Taipings, while hundreds died resisting them.

We have no space for extracts from the classics which will adequately show their character. They would prove that Chinese youth, as well as those in Christian lands, are taught a higher standard of conduct than they follow. The former are, however, drilled in the very best moral books the language affords; and, if the Proverbs of Solomon and the New Testament were studied as thoroughly in our schools as the "Four Books" are in China, our young men would be better fitted to act their part as good and useful citizens.

In this way literary pursuits have taken precedence of warlike, and no unscrupulous Cæsar or Napoleon has been able to use the army for his own aggrandizement. The army of China is contemptible, certainly, if compared with those of Western nations, and its use is rather like a police, whose powers of protection or oppression are exhibited according to the tempers of those who employ them. But in China the army has not been employed, as it was by those great captains, to destroy the institutions on which it rests; though its weakness and want of discipline often make it a greater evil than good to the people. But, if the army had become strong and efficient, it would certainly have become a terror in the hands of ambitious monarchs, a drain on the resources of the land, and perhaps a menace to other nations, or finally a destroyer of its own. The officials were taught, when young, what to honor in their rulers; and, now that they hold those stations, they learn that discreet, upright magistrates do receive reward and promotion, and experience has shown them that peace and thrift are the ends and evidence of good government, and the best tests of their own fitness for office.

Another observable result of this republican method of getting the best-educated men into office is the absence of any class of slaves or serfs among the population. Slavery exists in a modified form of corporeal mortgage for debt, and thousands remain in this serfdom for life through one reason or another. But the destruction of a feudal baronage involved the extinction of its correlative, a villein class, and the oppression of poor debtors, as was the case in Rome under the consuls. Only freemen are eligible to enter the *concours*, but the percentage of slaves is too small to influence the total. To this cause, too, may, perhaps, to a large degree, be ascribed the absence of anything like caste, which has had such bad effects in India.

Before speaking of the religious condition of the Chinese, the

evil results and defects of their system of education and competitive examination ought to be noticed. It will require years for them to fully understand wherein it has failed, but happily they have now begun to enter this upward path. The language itself, which has for centuries aided in preserving their institutions, and strengthening national homogeneity amid so many local varieties of speech, is now rather in the way of their progress ; for it is impossible for a native to write a treatise on grammar about another language in his own language, through which another Chinese can, unaided, learn to read or speak that language. The Chinese people have therefore had no ready means of learning the best thoughts of other minds. Such being the case, the ignorance of their best educated scholars about other races, ages, and lands, has been their misfortune far more than their fault, and they have suffered the evils of their isolation. One has been an utter ignorance of what would have done them lasting good in morals, science, and politics. Neither geography, natural history, mathematics, astronomy, nor history of other lands, now forms part of the curriculum ; and the men trained in the classics have therefore grown up with distorted views of their own country. The officials are imbued with conceit, ignorance, and arrogance as to its power, resources, and position in comparison with other nations, and are helpless when met by greater skill and strength. However, these disadvantages, great as they have been and still are, have mostly been a natural result of their secluded position, and are rapidly yielding to the new influences which are acting upon the people and government. Well will it be for both, if these causes do not disintegrate their ancient economies too fast for the recuperation and preservation of whatever is good in them.

The last point in the Chinese polity which has had great influence in preserving it is the religious beliefs recognized by the people and rulers. There are three sects (*san kiao*) which are usually called Confucianism, Buddhism, and Taoism, or Rationalism; the first is a foreign term, and vaguely denotes the belief of the *literati* generally, including the state religion. These three sects do not interfere with each other, however, and a man may worship at a Buddhist shrine, or join in a Taoist festival, while he accepts all the tenets of Confucius, and worships him on state occasions ; much as a lawyer in England may attend a Quaker meeting, or the Governor of a State in America may be a Methodist minister. The ancestral worship is never called a *kiao*, for everybody observes that at home just as much as he obeys his parents ; it is a duty, not a sect.

The state religion of China has had a remarkable history and antiquity ; and, though modified somewhat during successive dynasties, has retained its main features during the past three-thousand years. The simplicity and purity of this worship have attracted the notice of many foreigners, who have disagreed on many points as to its nature and origin. Their discussions have brought out many most interesting details respecting it ; and whoever has visited the great Altar and Temple of Heaven at Peking, where the Emperor and his courtiers worship, must have been impressed with its simple grandeur.

These discussions are not material to the present subject, and it is only needful to indicate two main results. The prime idea in this worship is that the Emperor is *Tien-tsz*, or Son of Heaven, the coördinate with Heaven and Earth, from whom he directly derives his right and power to rule on earth among mankind, the One Man who is their vicegerent and the third of the trinity (*san tsai*) of Heaven, Earth, and Man. With these ideas of his exalted position, he claims the homage of all his fellow-men. He can not properly devolve on any other mortal his functions of their high-priest to offer the oblations on the altars of Heaven and Earth at Peking at the two solstices. He is not, therefore, a despot by mere power, as other rulers are, but is so in the ordinance of nature, and the basis of his authority is divine. He is accountable personally to his two super-ordinate powers for its record and result. If the people suffer from pestilence or famine he is at fault, and must atone by prayer, sacrifice, and reformation as a disobedient son. One defect in all human governments—a sense of responsibility on the part of rulers to the God who ordains the powers that be—has thus been partly met and supplied in China. It has really been a check, too, on their tyranny and extortion ; for the very books which contain this state ritual intimate the amenability of the sovereign to the Powers who appointed him to rule, and hint that the people will rise to vindicate themselves. The officials, too, all springing from the people, and knowing their feelings, hesitate to provoke a wrath which has swept away thousands of their number.

The worship of Shangti, or deified Heaven, is confined to the Emperor, for to invade this prerogative would be treasonable, and equivalent to setting up the standard of rebellion. In his capacity of vicegerent, high-priest, and mediator between his subjects and the higher Powers, there are many points of similarity with the assumptions of the Pope at Rome. The effects in China upon the

nation have been both negative and positive. One of the negative effects has been to dwarf the state hierarchy to a complete nullity, to prevent the growth of a class which could or did use the power of the monarchy to strengthen its own hold upon the people as their religious advisers, and on the Government as a necessary aid to its efficiency.

We have seen that the popular rights which are so plainly taught in the classics have been inculcated and perpetuated by the common school education, and that the ancestral worship could not admit the interference of priest, altar, or sacrifice, outside of the door-posts. Yet it is probable that all combined would have been too weak to resist the seductive introduction of a hierarchy in some form, if it had not been that the Emperor himself would not yield his own unapproachable grandeur to any man. Being everything in his own person, it is too much to expect that he is going to vacate or reduce his prerogative, surrender his right to make or degrade gods of every kind for his subjects to worship, weaken his own prestige, or mortify the pride of his fellow worshipers, the high ministers of state. The chains of caste woven in India, the fetters of the Inquisition forged in Spain, the silly rites practiced by the augurs in old Rome, or the horrid cruelties and vile worship once seen in Egypt and Syria, all done under the sanction of the state, have all been wanting along the Yellow River, and none of their evils have hampered the rule of law in China.

The emperors at various times have shown great devotion to the ceremonies and doctrines of the Buddhists and Taoists, and have built costly temples, and supported more priests than ever Jezebel did, but the teachings of Confucius and Mencius were too well understood among the people to be uprooted or overridden. The complete separation of the state religion from the worship of the common people accounts for the remarkable freedom of belief on religious topics. Mohammedanism and Buddhism, Taoist ceremonies and Lama temples, are all tolerated in a certain way, but none of them have at all interfered with the state religion and the autocracy of the monarch as the Son of Heaven. They are, as every one knows, all essentially idolatrous, and the coming struggle between these various manifestations of error and the revealed truths and requirements of the Bible has only begun to cast its shadow over the land. The more subtle conflict, too, between the preaching of the Cross and faith alone in its Sacrifice for salvation, and reliance on good works, and priestly interference in every form, has not yet begun at all.

The power of Buddhism in China has been owing chiefly to its ability and offer to supply the lack of certainty in the popular notions respecting a future state, and the nature of the gods who govern man and creation. Confucius uttered no speculations about those unseen things, and ancestral worship confined itself to a belief in the presence of the loved ones, who were ready to accept the homage of their children. That longing of the soul to know something of the life beyond the grave was measurably supplied by the teachings of Sakya-muni and his disciples, and, as was the case with Confucius, was illustrated and enforced by the earnest, virtuous life of their founder. Though the sect did not receive the imperial sanction till about A. D. 65, these teachings must have gradually grown familiar during the previous age. The conflict of opinions which ere long arose between the definite practical maxims of the Confucian moralists, and the vague speculations, well-defined good works, and hopeful though unproved promises of future well-being, set forth by the Hindoo missionaries, has continued ever since. It is an instructive chapter in human experience, and affords another illustration of the impossibility of man's answering Job's great question, "But how shall man be just with God?" The early sages opened no outlook into the blank future, offered no hopes of life, love, happiness, or reunion with the friends gone before, and their disciples necessarily fell back into helpless fatalism. Buddhism said, Keep my ten commandments, live a life of celibacy and contemplation, pray, fast, and give alms, and according to your works you will become pure, and be rewarded in the serene *nirvana* to which all life tends. But the Buddhist priesthood had no system of schools to teach their peculiar tenets, and, as there is only one set of books taught in the common schools, the elevating precepts of the sages brought forth their proper fruit in the tender mind. Poverty, idleness, and vows made by parents in the day of adversity to dedicate a son or a daughter to the life-long service of Buddha, still supply that priesthood with most of its members. The majority are unable to understand their own theological literature, and far more is known about its peculiar tenets in Europe than among the mass of the Chinese. The Confucianist, in his pride of office and learning, may ridicule their mummeries, but in his hour of weakness, pain, and death he turns to them for help, for he has nowhere else to go. Both are ignorant of the life and light revealed in the gospels, and cry out, "Who will show us any good?"

If the mythology of Buddhism was trivial and jejune, as we

judge it after comparing it with the beautiful imagery and art of Greece and Egypt, it brought in nothing that was licentious in its rites, or cruel in its sacrifices. Coming from India, where worship of the gods involved the prostitution of women, the adoration of the lingam, and the sacrifice of human beings, Buddhism was remarkably free from all revolting features. If it had nothing to offer the Chinese higher in morals or more exalted or true in its conception of the universe or its Maker, it did not sanction impurity or murder, or elevate such atrocities above the reach of law by making them sacred to the gods. This last outrage of the Prince of Darkness on the soul of man, so common in Western Asia, has never been known or accepted to any great extent in the Middle Kingdom. The words of Moses (Leviticus xviii, 25, 28), asserting that it was because of these abominations among the Canaanites that they were punished, and that for such things "the land itself vomited out her inhabitants," may be adduced as one reason why God has preserved the Chinese, who have not practiced them.

But, while it is true that Buddhism gave them a system of precepts and observances that set before them just laws and high motives for right actions, and proportionate rewards for the good works it enjoined, it could not furnish the highest standards, sanctions, and inducements for holy living. On becoming a part of the people, the Buddhists soon entered into their religious life as acknowledged teachers. They adapted their own tenets to the national mythology, took its gods and gave it theirs, acted as mediators and interpreters between men and gods, the living and the dead, and shaped popular belief on all these mysteries. The well-organized hierarchy numbered its members by myriads, and yet history records no successful attempt on its part to usurp political power, or place the priest above the laws. This tendency was always checked by the *literati*, who really had in the classics a higher standard of ethical philosophy than the Buddhists, and would not be driven from their position by imperial orders, nor coaxed by specious arguments to yield their ground. Constant discussions on these points have served to keep alive a spirit of inquiry and rivalry, and preserve both from stagnation. Though Buddhism, in its vagaries and will-worship, gave them nothing better than husks, put hypocrisy in place of devotion, taught its own dogmas instead of truth, and left its devotees with no sense of sin against any law, yet its salutary influence on the national life of China can not be denied. It has had a long trial, as well as

Confucianism, and both have proved their inability to lead man to a knowledge of God, or give peace to his soul.

It remains, in this estimate of the molding influences on Chinese character, to refer only to Taoism and Mohammedanism. Lao-tsz', the founder of the sect of Rationalists, was a contemporary of Confucius, and one of the most acute and original minds of his nation. The tenets of the two have been taught side by side for twenty-five centuries, and have rather acted as complementary to each other than antagonistic; the first entertaining speculative minds by its intangible subtilties; the other proving its usefulness by telling mankind what they ought to do. Its followers have furnished thousands of volumes no more useful than the treatises of monkish schoolmen, and are now chiefly regarded as adepts in all occult lore, and masters of sorcery and alchemy.

The introduction of Islamism was so gradual that it is not easy to state the date or manner. The trade between China and ports lying on the Arabian Sea early attracted its adherents, and its missionaries came by ships to the seaports, especially to Canton and Hangchow. They likewise formed a large portion of the caravans which went to and fro through Central Asia, and seem to have been received without resistance, if not with favor, until they grew, by natural increase, to be a large and an integral part of the population. Mosques were built, schools taught, pilgrimages made, books printed, and converts were allowed to exercise their rites, without any serious hindrance, almost from the first. Yet the tenets of the Prophet have made no real impression on the national life, and the number of his followers forms only a small proportion of the whole. The two great features of the faith, viz., the existence of one only true God, and the wickedness of idolatry, have not been kept hidden; but, though promulgated, they have not been accepted outside of the sect, and have not made the least impression on the state religion. The reasons for this are not far to seek. The rigid rule that the Koran must not be translated has kept it out of the reach of the *literati*, and the faithful could not even appeal to it in support of their belief, for not one in a myriad knew how to read it. The Chinese could not learn Arabic, and there was no sword hanging over them, as was the case in Persia, to force them into the ranks. The simplicity of the state religion and ancestral worship gave very little handle to iconoclasts to declaim against polytheism and idolatry. The prohibition of pork to all true believers was a senseless injunction among a frugal people

which depended largely on swine for meat, and had never felt any the worse, bodily or mentally, for its use ; and the inhibition of wine was needless among so temperate a race as the Chinese. Those who liked to keep Friday or other days as fasts, practice circumcision as a symbol of faith, and worship in a temple without images, could do so if they chose ; but they must obey the laws of the land, and honor the Emperor, as good subjects. They have done so, and generally speaking have never been molested on account of their faith. Their chief strength lies in the northern part, and the recent struggle in the northwestern provinces, which has cost so many myriads of lives, began almost wholly at the instigation of Turk or Tartar sectaries, and was a simple trial of strength as to who should rule. While cities and towns in Kansuh occupied by them were destroyed in 1860-1870, the two hundred thousand Moslems in Peking remained perfectly quiet, and were unmolested by the authorities.

In this survey of Chinese institutions it has been shown that the empire has owed much of its security to its isolation and the difficulty of large invading armies reaching it. The early ages of feudalism, which developed the national character by sectional rivalries, was succeeded by a great central government founded on popular consent, which molded these states on democratic principles, and prevented both a landed and hereditary aristocracy that could appropriate large tracts of country and engross both power and labor. The eligibility of men from all classes to office, according to their literary attainments, secured on the whole the most cultivated minds for the leading ones, and prevented the domination of mere soldiers over the liberties and property of their countrymen. On the other hand, the struggles of ignorant multitudes, led by designing demagogues to assert their rights by destroying their oppressors, have not resulted in any permanent changes, for such commotions have been riots and not revolutions, no assertion of principles being involved in them. The position of the sovereign, as vicegerent of Heaven and Earth, made him alone responsible to them for the good government of the land, and rendered a priesthood needless. The nature of the ancestral worship, of which the state religion is an outgrowth, likewise called for no priestly officers, either to absolve the worshipers or intercede for them, to explain the holy books, or call on the gods, much less punish and destroy those who refused compliance. The throne could not gather a class of supporting nobles around its steps, and thus erect an official order, for the system of

competitive examinations had already opened the avenues of rank and power to all, by teaching the candidates how to maintain the principles of liberty and equality they had learned from Confucius and Mencius. This absence of an hereditary nobility neutralized the evils and crippled the power of caste and slavery, which would perhaps have grown out of such a form of feudalism. Finally, the great respect paid to parents and superiors, the social status of women, the legal safeguards of life and property, and the possession of a fertile soil, temperate climate, and rich resources—all these taken together appear to satisfactorily account for the permanency and character of Chinese institutions.

All that these institutions need, to secure and promote the highest welfare of the people, as they themselves aver, is their faithful execution in every department of government: and no higher evidence of their remarkable wisdom can be adduced than the general order and peace of the land. When one sees the injustice and oppressions in the courts, the feuds and deadly fights among the clans, the prevalence of lying, ignorance, pollution, and other more serious crimes, and the unscrupulous struggle for a living going on in every rank of life, he wonders that universal anarchy does not destroy the whole machine. But the same truthful expounder of human society, which has been already quoted, furnishes us with a partial solution in the declaration, "The powers that be are ordained of God." The Chinese seem to have attained the great ends of human government to as high a degree as it is possible for man to go without the knowledge of his revelation. That, in its great truths, its rewards or punishments, its hopes, and its stimulus to good acts by faith working by love, has yet to be received by them. The course and results of the struggle between the new and the old in the land of Sinim will form a remarkable chapter in the history of man.

S. WELLS WILLIAMS.

THE TRIAL OF MRS. SURRETT.

FIFTEEN years have passed since that eventful day which witnessed the execution of a woman condemned to death by a military commission, for alleged participation in the murder of the President of the United States.

A generation of men and women has grown up since then, to whom the incidents and scenes surrounding the case are almost unknown.

A great war between the sections had just closed. The magnetic chieftain of the South, who had for so long held together the incongruous elements of the Confederate army by the magic of his name and presence, had finally surrendered at Appomattox to the foremost leader of the Union forces. The heart of the nation throbbed with joy. Exultant music filled the air. Flags and banners with peaceful mottoes festooned the cities of the restored Union, and illuminations, grand in conception and effective in result, turned night into day.

In the midst of this festive period of popular rejoicing, a calamity fell upon the nation that converted all its gladness into sorrow. Abraham Lincoln, the idol of the people—he who, by patient endurance and steadfast faith in the eventual restoration of the Union, by wise counsel and unswerving patriotism, had come to be considered the savior of the Union and a second Washington—suddenly, without warning, and in the midst of his family, seated in one of the private boxes of a theatre, fell by the shot of the assassin. No one not then living, and an eye-witness to the scenes that followed that dire event, can have any conception of the sudden change in popular feeling. But one idea possessed the multitude, and that was revenge; and, in the madness of the hour and an insane desire for retribution, the innocent were made to suffer for the

guilty. I was an eye-witness of this sudden and terrible revulsion of popular feeling that finally ended in the shedding of innocent blood. When it became known that Abraham Lincoln had fallen by the hand of an assassin, rage took possession of the populace ; cries of vengeance filled the air ; music, that a few hours before had been tuned to the high cadence of patriotic rejoicing, was now a mournful dirge ; crape festooned banner and flag, and the grand illumination which had poured its blaze of light upon an exultant throng died out in the solemnity of the hour, and every vein and avenue of life was filled with lamentations at the national bereavement.

The death of the President and the attempted assassination of the Vice-President and Secretary of State were well calculated to fill the public mind with alarm. All of the Confederate forces had not laid down their arms. General Joe Johnston, with the remnant of that command which for prowess and gallantry had been unsurpassed by any army in history, was still in the field, but closely pursued by the forces in command of that renowned Federal General whose remarkable march through the Gulf States from "Atlanta to the sea" had disemboweled the Confederacy. No one knew what might be the effect of this assassination upon the dying Confederacy. By prompt and efficient measures taken to prevent internal dissension, all danger from that quarter passed, and the popular mind was left free to visit its vengeance upon the perpetrators of the foul crime. Had that vengeance been confined to the guilty, and retributive justice visited upon those whose guilt was established beyond doubt, as well by their own confession as by cumulative evidence, mankind would have been spared the shock and the judicial history of our country the stain which time can not efface, of the condemnation and execution of a woman whose innocence is now proclaimed. Passion, however, ruled the hour, and an insane desire for blood ; and, as a sacrifice was demanded, instant means were adopted to achieve that end. The army was put in motion. Hundreds of details scoured the adjoining territory, and thousands of detectives peered into every nook and corner where a hiding-place might be discovered. Vast rewards of money and of high promotion were offered for the apprehension of Booth and his co-conspirators. Space will not permit the story of his pursuit and death in the burning barn. Hundreds of the "suspected" were arrested, and the "old Capitol Prison" was filled to overflowing. . . . Among those whom Fate had rudely jostled within the grasp of an excited Administration was a woman, whose name and history

and sad end will descend to the latest generations of time—MARY E. SURRETT.

Mrs. Surratt had been born and nurtured under the "old system" in the State of Maryland. In the earlier years of her life she had been a *belle* in her county; and, at the period when, as her counsel, I had been brought into intimate relations with her, she was still a woman of fine presence and form. She had married a well-to-do man of the world, who, dying, bequeathed to her charge three children (two sons and a daughter), and a large plantation well stocked, and cultivated by numerous slaves; also, certain property in the city of Washington, which was destined to become the center of universal observation. This was her state and condition when the war between the sections began.

Her estate, being situated in the county of Marlborough, near the Federal capital, very early in the war began to suffer from the depredations of the army and its followers. One by one her slaves disappeared; her crops melted away, and the fences of her farmland were broken up and burned by troops camped upon its broad acres. Like all other property within the *cordon* of forts and lines of protection for the Federal capital, it soon became a barren waste, giving no means of support to tillers of the soil. The *corps d'armée*, and quartermaster's department, with its seductive remuneration, had absorbed all labor. The furrows that were upturned by them gave more promise of sudden wealth than golden grain.

In this state of affairs, bereft of the means of support for herself and family upon the familiar farm, she directed her steps to Washington, and occupied as a boarding-house the premises therein bequeathed by her husband.

Her family, save the youngest son, had reached maturity. Her eldest son, John, who had been a student of divinity in a Catholic college, as the war progressed, engaged in the adventurous pursuit of a blockade-runner between Montreal and Richmond and its intermediate points. When in Washington he was an inmate of his mother's home, and his companions, naturally, were men who sympathized with the South. His sister, young and graceful, attracted the attention of gentlemen of society, and among the frequent visitors was John Wilkes Booth, at that time reported to be betrothed to the daughter of a United States Senator.

It was alleged on the trial that this house was a secret rendezvous of those who plotted treason against the Government. If that be granted, still it can be asserted that, in all the pages of the record

of that trial, there can be found no testimony to show that Mrs. Surratt was cognizant of the same, or even participated in a single meeting. The testimony of Weichman—the one whom she had nurtured as a son, and who falsely swore her life away to save his own—nowhere reveals the fact that she ever participated in any plot, or was privy to the knowledge that in her house were planned the abduction and final assassination of that great man whose heart beat only with kindness and sympathy for all.

How the chain of untoward circumstances seemed to weave itself around this widowed and forlorn woman! It is said that “misfortune is never mournful to the soul that accepts it; for such do always see that every cloud is an angel’s face.” To me it seems there could be no angel’s face in the dark cloud that gathered over this poor woman’s life. There could have come no bright spirit in disguise to weave about her the web of misfortune that finally closed around her on the ignominious scaffold.

From the time that Booth gave Weichman the ten dollars to hire a buggy to convey Mrs. Surratt to Upper Marlborough Court-House, on the day preceding the night of the assassination, where she went on business connected with her estate, and was made by Booth the innocent bearer of a note and arms to a co-conspirator, who also perjured himself to save his worthless neck, to the second day after the murder of the President, when Lewis Payne, who had made the bloody assault upon the Secretary of State, knocked at her door disguised as a laborer with pick and shovel, the chain of unfortunate circumstances seemed to array itself against the unhappy woman. These two points were, in fact, the only ones of any importance whatever presented by the prosecution, through which they claimed to have established the connection of Mrs. Surratt with the plot to murder the President. One, as stated, was the transmission of a bundle containing a spy-glass and revolver from Booth to a co-conspirator at Surrattsville, on the day preceding the night of the murder. The facts connected with that charge, and which have never been questioned or disproved, and in the light of subsequent events have become fully established, are as follows: Mrs. Surratt had been greatly troubled about certain financial matters relating to her estate in Maryland. Relief had been suggested by a friend, a gentleman of character whom we called as a witness in the endeavor to establish the true cause of her visit to Marlborough Court-House, and at whose instance, by a letter which we offered in evidence, and was by him identified, she had been urged

to meet him on that day at that point for the purpose of arranging these matters. The witness Weichman was often the companion of her journeys to and from her estate. John Wilkes Booth, the frequent visitor, occasionally loaned her his horse and buggy for that purpose. On the morning preceding the assassination, Mrs. Surratt received the note demanding her instant attendance at Upper Marlborough Court-House. She communicated this fact to Weichman, and requested him to obtain from Booth his horse and buggy for that purpose. This was admitted by Weichman on cross-examination. Weichman went immediately to Booth and asked that favor, stating the object. According to the declaration of Payne, it was on that morning (Good Friday) that Booth learned at the theatre that the President would be present at the performance in the evening, and had thereupon gathered the conspirators in a meeting at the Herndon House, and there prepared and arranged the form of the deadly attack upon the President, and his mode of escape after the commission of the crime. When Weichman approached Booth, it was just after this meeting of the conspirators at which these and other details of the assassination had been arranged, and while Booth was still revolving in his mind the means of escape. A pistol and spy-glass would be burdensome upon his person when making the desperate leap from the private box in the theatre. Booth replied to Weichman that he was sorry he could not accommodate Mrs. Surratt, as he had sold his horse and buggy. Weichman was about to return with this answer when Booth said, "Here! take this ten dollars and hire one." Weichman hired the conveyance, and as he and Mrs. Surratt were seated in the buggy, about to drive from her house, Booth made his appearance hastily upon the scene, and requested Mrs. Surratt to hand the bundle to John M. Lloyd, the tavern-keeper at Surrattsville, as she would have to drive through that village on her way to Marlborough Court-House. As Mrs. Surratt was the recipient of this and other kindnesses from Booth, could she have done else than accede to so simple a request? Weichman further testified that, when Mrs. Surratt saw Lloyd at Surrattsville, she did not alight from the buggy, but called him to her side and gave him the bundle. Lloyd testified that when she handed him the bundle she said: "Here are the shooting-irons; Booth will call for them to-night." When the fact is made to appear that Booth was a frequenter of that neighborhood, and an intimate of the man Lloyd, to whom was delivered the bundle containing the pistols and spy-glass, and it is remembered that

Lloyd was the keeper of the hotel at which Booth often stopped while hunting in the neighborhood, is it singular that Mrs. Surratt should have made the jocular remark, "Here are the shooting-irons"? It is no doubt true that Booth told her the bundle contained pistols, and that he would call for them that night. And yet, in that conveyance of arms and in that remark, is the point of evidence on which the prosecution principally sought to connect the unfortunate woman with the commission of the crime, as an accessory before the fact. And on *such* evidence (?) was this woman condemned to an ignominious death upon the scaffold! Booth instantly saw his opportunity to convey his arms to a point on his route of escape, through the journey of Mrs. Surratt to Marlborough Court-House, and she, having been made the innocent means of conveyance, was condemned and executed as a murderess.

The other point of evidence, upon which the prosecution relied to establish her guilt, was the fact, as stated, of Payne's appearance at the house of Mrs. Surratt, on the night following that of the assassination. A short *résumé* may be necessary to present this point clearly to the public mind.

Payne was a native of the South, had served in the Confederate army, and toward the close of the war had drifted into the North. Meeting an emissary of Booth in the city of Baltimore, he was quickly brought under the baleful influence of that designing character. Payne, who was a stranger in Washington, had met Booth and other conspirators in the room of John Surratt during one of his periodical visits, and thus became acquainted with the location of the house. The part of the murderous work assigned to Payne was the assassination of the Hon. William H. Seward. How faithfully he endeavored to perform his share of the horrible crime is well known. Nothing but the kindly interposition of Providence restored to the country the life of that great man, as Payne left him on his bed covered with wounds and weltering in his gore.

In the confession made by Payne to his counsel, in which he stated in full his connection with the conspiracy, he related that after the attempted assassination of the Secretary of State, and supposing that he had accomplished his fiendish work, he endeavored to make his escape to Baltimore, and proceeded in the darkness of the night in that direction. The gray of the morning soon warned him, however, that it was not safe for him to proceed longer, and, to escape observation, he climbed a large tree. A farmhouse was situated not far off, he knew, as the farmer's dogs were baying in

the distance. The tree, thick with early spring foliage, was near the roadside, and just after daybreak he heard the rush of cavalry, and, peering forth, saw them distinctly as they passed by on their search for the murderers. This rush of cavalry continued all day long, and motives of safety compelled him to remain in the tree. The gnawings of hunger were intense, and a burning thirst seized upon him. As night again fell upon farm-land and city, his hunger and thirst becoming unbearable, he descended and approached the farmhouse. He did not alarm its inmates, as to do so would be to surrender himself to justice, as by this time the whole country was aroused, and placards descriptive of the murderers and offering large sums for their apprehension were posted in every direction.

Unable to appease the cravings of hunger, knowing no one, a stranger in a strange land, with the blood of murder upon his hands, with every man's arm uplifted against him, and a price set upon his head—in a starving condition, he sought the only means he knew of in the world to relieve himself, and that was to go in search of his friend John Surratt. Close by the farmer's house lay a pick and shovel, and an old cast-off hat. These he seized to aid in disguising himself, and, placing the hat on his head and the pick and shovel on his shoulder, he retraced his steps to that city in which, on the night previous, he had bathed in blood the silver locks of an old and honored man. Tortured by the phantasies of his crime, and startled by every swinging bough and rustling leaf, with the shadows shaping themselves into forms of avengers, his return to the city was slow and weary. It was just after midnight that he reached Mrs. Surratt's house and knocked at the door. It was answered by the officers who had taken possession of the house and arrested its inmates. The question was asked Payne what he wanted at that hour. He replied, seeing the state of affairs, that he had been employed by Mrs. Surratt the day before to dig a drain, and had come to see at what hour in the morning he should begin. He was asked where he lived, and replied that he was a poor workingman and had no home. That answer seemed sufficient to cause his arrest, which was accomplished, and he was taken to the office of the Provost-Marshal, where he proved to be the assailant of the Secretary of State. This was a part of the chain of circumstances that wound itself about the unhappy woman.

The question may be asked, Why could not the facts explaining this circumstantial evidence and confirming the innocence of Mrs. Surratt, be established before the Military Commission? I answer

as my belief, that the Commission was organized to convict. The state of the public mind was such that the desire for revenge had taken the place of justice, and, for a time, a reign of terror prevailed. In the words of the "New York Herald," "a thirst for vengeance seemed to have taken possession of every soul. It was felt that some one ought to be hanged, and there was a disposition to begin upon the first available person." The Commission that was organized by the Executive order of May 1, 1865, to try these parties, was naturally influenced by the frenzy of the public mind. The fairness and equity characterizing the proceedings of a *civil* court had no sway in the decisions of a Military Commission that rejected or admitted just such testimony as its judge-advocate declared should be admitted or rejected. Under such a procedure nearly all evidence having weight for the defense was, on one pretext or another, rejected ; and all evidence that tended toward conviction, no matter how suspicious, was admitted.

Upon the very threshold of the proceedings there was enacted a scene that deprived the defense of the services of a most eminent lawyer and jurist, then occupying a seat in United States Senate, and likewise fully expressed the *animus* of the Commission.

On the third day of its session, General T. M. Harris, a member of the Commission, objected to the admission of Hon. Reverdy Johnson as counsel before the Commission, on the ground that he did not recognize the moral obligation of an oath designed as a test of loyalty, referring to a printed letter dated Baltimore, October 7, 1864, upon the "constitutionality, legal and binding effect and bearing of the oath prescribed by the late Convention of Maryland, to be taken by the voters of the State as the condition and qualification of the right to vote upon the new Constitution."

The letter, published over the signature of the Hon. Reverdy Johnson, pending the adoption of the new Constitution of Maryland, contained the following passage, to wit : "Because the Convention transcended its powers, as I am satisfied it has, that is no reason why the people should submit. On the contrary, it should lead them to adopt the only course left to redress the wrong. The taking of the oath under such circumstances argues no unwillingness to surrender their rights. It is indeed the only way in which they can protect them, and no moral injunction will be violated by such a course, because the exaction of the oath was beyond the authority of the Convention, and as a law is therefore void."

This was the ground of objection as urged by the member of

the Commission, and which had no connection with the proceedings of the Commission. The object was apparent—to insult and drive from the court-room the Hon. Reverdy Johnson, who, it was already understood, would in an argument, to be spread upon its records, attack the constitutionality of the Military Commission.

Reverdy Johnson replied to this base and insidious charge in a manner it justly deserved, characterizing its *animus* with proper emphasis. He explained at length the meaning and intention of his letter, charged upon them the *animus* of their objection, and demonstrated that he was clearly correct in his deductions, and that *his* opinion was the opinion of the whole bar of Maryland, regardless of party. He said: "And I said, in common with the whole bar of the State (and with what the bar throughout the Union would have said, if they had been consulted), that to that extent they had usurped the authority under which alone they were authorized to meet, and that so far the proceedings were a nullity. They had prescribed this oath, and all that the opinion said or was intended to say was, that to take the oath voluntarily was not a craven submission to usurped authority, but was necessary in order to enable the citizen to protect his rights under the then Constitution, and that there was no moral harm in taking an oath which the Convention had no authority to impose."

The great jurist said further, that for nearly half a century he had practiced in the courts of nearly every State in the Union, and in the Supreme Court of the country, and for the first time in his life his personal integrity had been questioned, and that it remained for a member of a commission not known to the law to make that first imputation. He would, however, say to that member that not only had he been honored in the practice of his profession, and had been the recipient of marked esteem from the highest court in the land, but that likewise he was a member of that honorable body that helped to *create armies and that made major-generals.*"

The object of all this was to drive him from the defense, which was successful. Although, after his speech and manner, they dared not openly drive him from the court-room, and therefore rejected the motion of General Harris, yet the object was accomplished; for Senator Johnson, deeply wounded, retired from the court-room and eventually from the case, appearing no more in person, but presenting through the writer his powerful argument on the jurisdiction of the Military Commission.

In further illustration of the determination on the part of the Commission to exclude the testimony for the defense, may be mentioned the following incident of the proceedings: It is a fact well known that vast rewards were offered by the authorities for testimony that would tend toward the conviction of the arrested parties. Among those who perjured their souls to obtain from the Government a sum of money, was a party by the name of H. Von Steinaecker. This individual swore that he had been an officer in the Topographical Department of the Confederate army, serving on the staff of General Edward Johnson, with the rank and pay of an engineer, and that altogether he was in the Confederate service three years; that in the summer of 1863 he saw and was introduced to three civilians in the camp of the Second Virginia Regiment, one of whom was John Wilkes Booth; that the plan of the proposed assassination was related and approved in all its details; and that it was agreed to send certain officers on "detached service" to "Canada and the borders," to release rebel prisoners, to lay Northern cities in ashes, and, finally, to obtain possession of the members of the Cabinet and kill the President.

This wholesale perjury was so apparent that we immediately set about impeaching the character of the alleged testimony and showing this witness in his true colors. On the morning following his appearance in court we presented to the Commission, in written form, our allegations impeaching his veracity and character as a witness for the Government. By the testimony of witnesses present, we proposed to show that he was a deserter from the Federal army; that in the beginning of the war he had enlisted as a private in Blenker's regiment of New York Volunteers; that, having been condemned by a court-martial for stealing an officer's arms and equipments, he had escaped to the Confederate lines, and having enlisted as a private had been detailed as a draughtsman by Oscar Heinrichs, an engineer officer on Edward Johnson's staff; that while serving in that capacity he was again convicted by a court-martial for stealing an officer's coat and arms; that at the battle of Antietam he was captured in our lines and escaped by representing himself as being in possession of the dead body of Major Douglas, of Edward Johnson's staff—then alive.

Instead of the Commission permitting the defense to establish these facts by competent testimony, and place the brand of infamy upon a perjured wretch, one of the members of the Commission, General Lewis Wallace, with much warmth of speech denounced

the attempt of counsel to impeach the testimony of Government witnesses.

We replied that such a speech came with bad grace from a member of the Commission, who was presumed to be sitting as an impartial judge ; that we were standing within the portals of a *constituted* temple of justice, and defending the citadel of life, and that it was our bounden duty, and an obligation we owed to our oaths of office, as well as to our client, to impeach the testimony of each and every Government witness that could be properly impeached with the forms of law that obtained in a civil court of justice. It was, however, of no avail, and, on motion of the Judge-Advocate, our whole impeachment was stricken from the record. It does not therefore appear in the printed proceedings of the trial, but can be found in the files of the "National Intelligencer" of May 31, 1865.

We, however, insisted upon the testimony of General Edward Johnson, who swore that Von Steinaker was never an officer on his staff, but was an enlisted soldier detailed as a draughtsman. We also called Oscar Heinrichs, the engineer officer on Johnson's staff, who also swore to the same ; and Major H. K. Douglas, whose "dead body" Von Steinaker represented to have in his possession at the battle of Antietam. All of these witnesses swore that Booth or other conspirators never made their appearance in their camp, and that no officers of their command were ever sent on "detached service" to lay waste Northern cities or kill the President.

In further illustration of this *animus* of the Commission, one other case will be cited. Near the close of the trial, and after the testimony of the heartless and perjured Weichman had been given, stung by feelings of remorse, Weichman called at the rooms of a young man, now connected with one of the Catholic institutions of learning, but at that time a resident of Washington, with whom he was on terms of intimacy, and, during an earnest conversation, admitted that he had sworn falsely with regard to the connection of Mrs. Surratt with the murder of the President ; that having been an inmate of her home during the formation of the conspiracy he was himself suspicioned and was threatened by the authorities of the War Department, in which for some time he had been a clerk, with arrest and trial with the other prisoners, unless he made a statement implicating Mrs. Surratt ; that upon such demand he prepared a statement, which was rejected by the Judge-Advocate-General with the remark that "it was not strong enough" ; that his life being threatened, he made out another statement which was

in accordance with their wishes and demands, and this "statement" he swore to on the witness-stand, falsely implicating Mrs. Surratt in the conspiracy. The young man to whom Weichman made this confession communicated it to the counsel of Mrs. Surratt, and offered to go upon the witness-stand and swear to the same. We took the proper steps to have him called as a witness, but the Commission, taking advantage of a technical ground, refused to permit him to testify on this *all-important* point. How well this speaks for justice! Can any one deny that the Commission was organized to convict?

It is not my intention to enter upon a defense of Mrs. Surratt. Were I so inclined, the limits of a magazine article would not admit. My object is to present to the public some of the salient features of that trial, and to relate a few interesting incidents, connected therewith, not generally known to the public. To relate them all would consume many pages of this Review.

The incidents connected with the issuance of the writ of *habeas corpus* and its suspension by the President of the United States form one of the most interesting recitals connected with the case. They have been related before to a limited extent. We give them now to the wide circuit of the Review.

It will be remembered that the trial was a very long and tedious one, consuming more than two months of the hottest period of that year. Our labors had been very severe—compelled as we were to be in the court-room, which was in the old Arsenal building, formerly the Washington Penitentiary, frequently from ten in the morning until six o'clock at night, watching closely the proceedings in an atmosphere rendered very impure by the crowded condition of the small room, badly ventilated.

Compelled to produce our own witnesses, frequently we spent almost the entire night in obtaining them from remote points of the adjoining States. After the long and exhaustive trial, naturally we were gratified at its close, and, as young men in our profession, still more so, at the congratulations of many of the older members of the bar who had closely examined the testimony, as each day it appeared, and predicting the acquittal of our client. About five o'clock in the afternoon of the 6th of July, while sitting in our office awaiting the findings of the Commission, we were suddenly startled by the cry of the newsboys on the street, "The execution of Mrs. Surratt!"

We found to our dismay that, instead of an acquittal, or at most

a temporary confinement of our client, the judgment of the Military Commission had been that of death, and the President had signed her death-warrant. So sudden was the shock, so unexpected the result, amazed beyond expression at the celerity of the order of execution, we hardly knew how to proceed.

Acting upon the first impulse, we went hastily to the White House and endeavored to have an interview with the President, in the hope that Executive clemency might so far intervene as to grant a respite for a few days at least. In this we were baffled. We were informed that the President would see no one. Attempting to pass inside of the main doors, we were met by Preston King, of New York, who, pointing to the guard of soldiers stationed at the foot of the staircase with fixed bayonets, informed us that it was "useless to attempt an issue of that character." We went to plead for three days of life for this poor woman, that she might arrange her earthly affairs and prepare for eternity, and we were denied admission.

As we could not obtain an audience with the President, the aid of distinguished gentlemen was sought. They, too, were foiled.

It must not, however, be forgotten that a noble woman, pushing aside the bayonets of the soldiers, gained admission to the President. Alas! her burning words and queenly presence could make no impression for the innocent. I refer to Mrs. General Williams, at that time the widow of Senator Douglas.

Our next movement was, in company with the daughter, to go to the Judge-Advocate General and implore his services in her behalf. Notwithstanding he had conducted in chief the trial, we thought that, touched by the unutterable woe of the poor girl, the pitying chords of sympathy might find a responsive echo in his heart. Our plea was in vain. His heart was chilled, his soul impassive as marble. Upon her bended knees, bathed in tears, the forlorn girl besought him to go to the President and beg a respite for *three* days—three days more of life for the mother about to be murdered by the strong arm of the Government. Finally, to close the scene, the Judge-Advocate-General agreed to meet us at the Executive Mansion at a given hour. We reached there at the appointed time. He had gone before us, and was just emerging as we came.

He said: "I can do nothing. The President is immovable. He has carefully examined the findings of the Commission, and has no reason to change the date of execution, and you might as well attempt to overthrow this building as to alter his decision." We

left in despair, and telegraphed the situation to Hon. Reverdy Johnson, requesting his immediate presence. He was at his home in Baltimore City, and telegraphed the following reply: "It is very late. There are no trains to carry me to Washington City. Apply for a writ of *habeas corpus* and take her body from the custody of the military authorities. We are now in a state of peace—not war." It was now nearly midnight, and this was our last hope. But to whom should we apply for the writ? What judge on the bench was bold enough to assert the sanctity of his ermine, and preserve it pure in the face of popular clamor and the well-known spirit of lawlessness that characterized those in authority? We determined, nevertheless, to make the attempt, and, although past midnight, proceeded to prepare the petition, upon which, as we supposed, hung the life or death of our client. We never for a moment doubted the efficacy of the writ, could we prevail upon its issue.

Completing our labor, we drove immediately to the residence of the Hon. Andrew Wylie, and, just as the clock tolled the hour of two in the morning, rung the front-door bell. A window above us was raised, and the well-known voice of the Judge greeted us with the query, "What do you want?" We answered, "Important business of a judicial character, upon which hangs life or death." The window closed, and in a few moments the Judge admitted us into his study, clad only in his dressing-gown, the weather being warm. The Judge listened attentively to each sentence of our petition, which was of some length, immovable, sitting like a statue in the glimmer of the gas-light overhead, not interrupting us once during the whole of the reading, and the brief argument that followed. At its conclusion he took the papers, and quietly remarking, "Please excuse me, gentlemen," retired to his chamber.

Our hearts fell within us as he closed the door behind him, as we conceived the idea that he was about to reject the petition, and, being in an unclad condition, had gone to put on his clothes. In a few moments, however, he returned with the papers in his hand, remarking: "Gentlemen, my mind is made up. I have always endeavored to perform my duty fearlessly, as I understand it. I am constrained to decide the points in your petition well taken. I am about to perform an act which before to-morrow's sun goes down may consign me to the old Capitol Prison. I believe it to be my duty, as a judge, to order this writ to issue; and" (taking up his pen) "I shall so order it." With many thanks we received back the papers, and carried them in person to the clerk of the court, who

made out the writ in accordance with the order of Judge Wylie, and at four o'clock in the morning we placed it in the hands of the United States Marshal, with the request that it be served immediately upon General Hancock, the commandant of the military district in which the body of Mrs. Surratt was confined.

The judicial act of Judge Wylie, performed in the face of reckless passion which in that sanguinary hour would have swept away all forms of law, remains fadeless in its luster, and, touched with the mellow hues of time, stands brightly forth, crowning with garlands the closing years of that brave man who, in the face of bayonets, "dared to perform his duty as he knew it."

Ah! well would it have been for the judicial history of this country had that "writ of writs" been obeyed, and the sacred majesty of the law maintained!

The United States Marshal served the writ upon General Hancock. The President and his ill advisers, believing, however, that General Hancock would, undoubtedly, obey the writ, assumed the illegal authority of suspending it. General Hancock appeared in obedience to that summons, before Judge Wylie, accompanied by the Attorney-General of the United States, who, as the representative of the President, presented to the Court the following return, which was an Executive order suspending the writ of *habeas corpus*, to wit:

EXECUTIVE OFFICE, July 7, 1865, 10 A. M.

To Major-General W. S. HANCOCK, commanding, etc.

I, Andrew Johnson, President of the United States, do hereby declare that the writ of *habeas corpus* has been heretofore suspended in such cases as this, and I do hereby especially suspend this writ, and direct that you proceed to execute the order heretofore given upon the judgment of the Military Commission, and you will give this order in return to this writ.

(Signed)

ANDREW JOHNSON, *President*.

General Hancock has been charged with disobeying the writ. Nothing could be further from the truth. He obeyed the writ, so far as he was permitted to do so by the Court itself, and so prompt was the performance of his duty, in the estimation of the Court, that Judge Wylie complimented him on his ready obedience to the civil authority, and discharged him from the process because of his own inability to enforce the order of the Court. General Hancock's appearance before the Judge showed his respect for the civil process of the Court, and it became his duty to present to the Judge the order of the President suspending the writ, and to know whether he

would submit to or reject the suspension. Judge Wylie acquiesced in the suspension of the writ, stating that "the *posse comitatus* of his court was not able to overcome the armies of the United States under the command of the President." There was not the slightest show of any disposition on the part of General Hancock to resist the civil process of the Court; and, had the Judge deemed it best to make an issue with the President, and refused to recognize the validity of the suspension of the writ, and had ordered General Hancock to have produced before him the body of Mrs. Surratt notwithstanding the order of the President, doubtless General Hancock would have attempted to comply with that order of the Court, and he, together with the Judge, have been arrested and thrown into prison. The order of the Court, however, did not extend any further, but the Judge, complimenting the General for his respect for the civil authority, dismissed him from the process. The charge, therefore, that he refused to obey the writ is without the slightest foundation in fact.

With the suspension of the writ, and the refusal of the President to grant a respite, all hope faded, and we proceeded to the Arsenal to take a last farewell of the doomed and innocent woman. On our way we noticed cavalymen stationed at points along the line from the White House to the Arsenal. These were couriers stationed by order of General Hancock to speed the tidings, should the President at the last moment relent, and grant a pardon or reprieve.

On arrival at the Arsenal, we went immediately to the cell where Mrs. Surratt was confined, and there found her in company with her spiritual advisers, Fathers Walter and Wiget. Taking my last farewell of the poor woman, I proceeded to the eastern extremity of the building, and there met General Hancock, who had just arrived, and who had come, as he stated, for the purpose of being at that point should a reprieve arrive from the President, as undoubtedly it would be directed to him as the commandant of the military post. The final moment came, however, without pardon or reprieve from the President. My pen is too dumb to describe the heart-rending scene at the parting of mother and daughter.

General Hancock took no part in the execution, as General Hartranft had been specially designated by the President, in Executive order of May 1, 1865, originating the Military Commission, as special Provost-Marshal-General to "execute the mandates of said Commission." The order of execution was at length given by General Hartranft, and the solemn march of death began.

First was the boy Herold, a half-witted youth of nineteen, who had been the frequent companion and guide of Booth on his hunting expeditions in the counties of Maryland bordering upon the Potomac, and, fascinated by his courtly bearing, had in a measure become his slave, and so followed willingly his tortuous ways as a conspirator. Next came Atzerodt, to whom had been assigned the assassination of the Vice-President, and who essayed to speak upon the scaffold, but lost his voice in fear. Following him was the man Payne, who marched forward like a soldier going to battle, who had said that he accepted death as the result of his attempt to murder the Secretary of State ; that he had knowingly taken his life in his hands when he endeavored to commit that fearful crime, and now had no fault to find with the Government for hanging him. And last in that solemn march to an ignominious death was the victim, Mary E. Surratt, upborne by two soldiers, as, weak and prostrate from disease contracted within her damp cell, she was unable to walk, preceded by Father Walter bearing a crucifix, upon whose image she steadfastly gazed.

And here permit me to make a statement of fact which should for ever set at rest the question of the guilt or innocence of this poor woman.

When the order came from the Provost-Marshall for her to ascend the scaffold, and after the sacrament of extreme unction had been granted by her priest, and he had shrived her for eternity, she said to him, "*Holy father, can I not tell these people before I die that I am innocent of the crime for which I have been condemned to death?*" Father Walter replied : "No, my child ; the world and all that in it is has now receded for ever. It would do no good, and it might disturb the serenity of your last moments !" To this she bowed in submission, and passed to the platform of the gallows. There General Hartranft read the findings of the Commission and the President's order of approval, and, at a signal from him, the body of the murdered woman was swung from the scaffold, and her immortal spirit entered the celestial city with "alabaster domes and silver spires."

Before closing, I desire to mention two other interesting facts : the first, the recommendation to mercy signed by a majority of the Commission ; the second, Payne's confession.

It was at first proposed (and I have it from most credible authority) to acquit Mrs. Surratt, or at least to spare her life. To this the Judge-Advocate-General objected, and in its stead proposed that

the Commission render the same judgment as in the cases of Payne, Atzerodt, and Hérold, with a recommendation to the President for mercy in her case. This course was finally adopted, the judgment rendered, and the recommendation drawn up and signed by a majority of the Commission.

Andrew Johnson averred upon his honor that he never saw that recommendation until two years after the execution, when, sending for the papers in the case, he found it among them, in a detached form. It is doubtless true that the recommendation for mercy was not placed before the President with the findings of the Commission at the time they were presented for his approval, but was retained by those in authority, who sought the blood of this innocent woman.

The second fact is the declaration of Payne, made on the morning of the execution to General Hartranft, the special Provost-Marshal, and sent to the President by his order. The statement, as taken down by him, is as follows :

"The prisoner Payne has just told me that Mrs. Surratt is entirely innocent of the assassination of President Lincoln, or of any knowledge thereof. He also states that she had no knowledge whatever of the abduction plot, that nothing was ever said to her about it, and that her name was never mentioned by the parties connected therewith."

At the close of the letter General Hartranft wrote these significant words : *"I believe that Payne has told the truth in this matter."*

General Hartranft hastily sent this dying declaration of Payne to the President. It was, however, of no avail. Her death had been determined on.

Fifteen years have passed away since the "high noon" that witnessed the execution of Mrs. Surratt. Empires have risen and fallen, great battles have been fought, kings dethroned, and boundary-lines of nations swept from the world, since that hour of national disgrace, and yet that scene remains in all its vividness, to haunt the memory and stain the pages of our judicial history.

JOHN W. CLAMPITT.

THE PERSONALITY OF GOD.

I. THE OUTLOOK.

IN the idea of God, man defines for himself his theory of the origin and destiny of the world. The whence and the whither of nature and of man are involved in this idea, and through it, therefore, are determined his theoretical views and his practical activities. If he believes that this supreme principle is blind fate, unconscious force, or something devoid of intelligence and will, this belief will constantly modify all his thoughts and deeds, and ultimately shape them into harmony with his faith. If, on the other hand, he regards this supreme principle as a conscious personality, as absolute intelligence and will, this view will likewise shape his thoughts and deeds, but with a radically different result from that of the other just stated. The former theory is unfriendly to the persistence and triumph of human beings, or of any rational beings whatever, either as a principle of explanation or as a ground of hope. It will not account for the origin of conscious beings, showing how conscious reason is involved in unconscious being, as one among its potentialities; still less can it permit the persistent existence of conscious individualities, for that would admit consciousness to be the higher principle, and not a mere phase or potentiality of unconscious being. Even if conscious individuals could emanate from an unconscious first principle, they would be finite and transitory phases, mere bubbles rising to the surface and breaking into nothing. The activity of the first principle—and all conceptions of the first principle must regard it as active—must be in accordance with its own nature, must tend to shape all things so as to correspond to that nature. For activity is expression; that which acts utters itself on that upon which it acts. It gives rise to new modifications, and these are its own expression; it again modifies, through its continued

action upon the object, the modification which it had previously caused, and thus secures a more perfect expression of itself.

An unconscious absolute would continually express itself in unconscious individualities, or, if there were conscious individualities upon which it could act, its modifications would be continually in the direction of an obliteration of the element of consciousness. On the other hand, the activity of a conscious absolute would tend continually to the elevation of all unconscious beings, if there were any, toward consciousness. For its activity would tend to establish an expression of itself—the counterpart of its own being—in the object. Arrived at consciousness, its creations would be sustained there by the activity of the absolute, and not allowed to lapse.

An unconscious absolute can not possess any features objectionable to unconscious beings. It may create them and destroy them without cessation—what is that to them? But to human beings, or to any other rational beings, such a blind fate is utterly hostile and repugnant in its every aspect. Their struggle for existence is a conscious one, and it strives ever toward a more complete consciousness and a larger sphere of directive will-power over the world in the interest of conscious, rational purposes. But an unconscious first principle is an absolute bar to the triumph of any such struggle. The greater the success of man's struggle for self-consciousness and freedom, the more unstable would become his existence. It would result in his being further removed from harmony with the activity of the unconscious absolute substance, and that activity would be more directly hostile and subversive of man's activity, the more the latter was realized. Hence, with a belief in an unconscious absolute, rational beings find themselves in the worst possible situation in this world. Pessimism is their inevitable creed. Any sort of culture, development, or education, of the so-called faculties of the mind, all deeds having for their object the elevation of the race into knowledge and goodness—whatever, in short, is calculated to produce and foster human individuality, must have only one net result—the increase of pain. For the destruction of conscious individuality is attended with pain; and the more developed and highly organized the individuality, the greater the pain attending upon its inevitable dissolution. Nor is the pain balanced by the pleasure of the exercise of human activity, for the negation and consequent pain is twofold while the pleasure of creative activity is only single. The conscious struggle, being in direct opposition to the activity of

blind fate, achieves its temporary victory of existence step by step, contending against an activity whose entire reaction against the conscious being is expressed as so much pain. Again, the ultimate victory of fate removes one by one every trace and result of human victory, and obliterates each conquest with an accompanying series of greater pangs.

With varying degrees of consistency, the religions of Central and Eastern Asia are pantheistic, and hold the highest principle to be unconscious, while the nations about the Mediterranean have come to conceive the absolute as conscious person. Religious faith is not to be confounded with philosophy, although the latter enters into the formation of theology. Religion addresses itself to the threefold nature of man—his intellect, will, and emotions; while philosophy addresses the intellect alone. But philosophy attempts to show the rational necessity of its first principle from an analysis of the other principles of the world—proving them inadequate for their own explanation, and showing up their universal implication or presupposition of the first principle. Religion *assumes* the first principle, and shows the necessity of conforming human life to the requirements of its supreme activity.

The philosophic conviction of the existence of a first principle is a far-advanced stage of intellectual development, and participated in by a few individuals at best. The race of mankind for the most part live and die without ever arriving at a conscious insight into the necessity of an absolute first principle for the explanation of the world. All people who do not get beyond the stages of intellect known as sense-perception and mere reflection are in the habit of regarding the world as an indefinite congeries of individual things, essentially independent of each other, and self-existent. Such a world needs no first principle. But people of advanced reflection have discovered that the entire world of things perceptible by the senses is in a state of change from one form to another. More than this, they have discovered everywhere the law of interdependence: nothing is isolated, but exists as it does through the action upon it of the totality of surrounding conditions. Thus to the eye of Science each thing is not an independent total, but a part or element of an including totality. Things are parts of greater things, and these are, after all, only temporary phases in the activity of processes. When we trace up the history of individual things, we come on every hand to the activity of forces in which the individuality of things gets lost. Before the things were, there were active

forces involved in their creation ; finally, the things vanish through the agency of destructive forces. The individuality of forces is likewise evanescent, and there is only abiding a sort of mutual interdependence which we call correlation. At the bottom of the world, then, according to advanced reflection, there is a one highest principle which it calls "persistent force." This is not any particular force, though its activity gives rise to all particular forces in their succession. It is just as much all forces, though its activity perpetually annuls individual forms of force.

Reflection at this point of progress is at a pantheistic stage. It has a highest principle—but a principle destructive of individuality. It does not explain why individual forces continually come into being, and continually generate, in their ceaseless play, the equilibria which sense-perception calls "things," nor why both things and forces continually lose their individuality and pass away.

The scientific or philosophic stage of reflection, which has found "persistent force" for its highest principle, is at the same standpoint as the religions of Central and Eastern Asia—that of pantheism—or that of an unconscious absolute.

Behind Asia, in this respect, are Africa and the isles of the sea—all peoples who have not emerged from fetichism. They do not feel the religious necessity of an absolute first principle, and it suffices them to represent an invisible world of demons behind the visible world (a good spirit and a coördinate evil spirit is much the same thing). Corresponding to fetichism as a religious stage is the intellectual stage of sense-perception and crude reflection which knows no intellectual necessity for a first principle, and accordingly has not yet entered the stage of philosophy.

Philosophy begins by setting up a first principle, and it selects one of the principles of the world as such first principle.

This principle may be a very inadequate one, selected from physical Nature—as water, air, fire, etc.—or a more adequate one, selected from human nature, as *νοῦς*, the Good, pure thought, the Ego, etc.

What has been said regarding the pessimism inherent in the pantheistic form of religion may suggest the inquiry, What effect on human life as a whole will the pantheistic form of science or philosophy, now coming in vogue through the spread of natural science, have?

It must be answered that philosophy, in setting up a first principle, does this for the individual, while religion does the same for a

people. The conditions of life are generic rather than individual, and society sweeps along the individual in its ethical grooves, no matter what his theoretical conviction may be. The individual may have sapped the foundations of his religion and morality, yet he can not with impunity practice what his fellow-men hold for wicked or unlawful. The man who supposes himself illumined by the insight into a blind, persistent, unconscious force as the highest principle, is not likely to become a criminal, nor even an iconoclast in a very pronounced form. The effect of his negative doctrine will be individual. Like the characters in the admirable portraiture of "*The New Republic*," for them will be left no aspiration, no earnestness of faith, nothing worth self-sacrifice. The negative might of such a first principle of the world transcends institutions—church, state, society, the family, even humanity itself. The individual folds his hands with passive acquiescence, and enjoys sensuous contemplation, or the egoism of disinterested criticism, which sits on its twig outside of the world, and finds its diversion in watching human life and deeds.

To the scientific conviction of an unconscious absolute in the form of persistence of force the Asiatic pantheism is a higher truth than the European Christianity which teaches the existence of a personal God.

To its view, therefore, modern society, with its institutions which are founded on the doctrine of a personal absolute principle, is merely a temporary phase in a process which will swallow it up with revolutions tending toward the abrogation of its forms and conventionalities, as superstition, within a comparatively short period. The illumined apostle of science sees in the institutions of society only an enlightened selfishness struggling against the animal heritage of habits come down to us from our monkey ancestors. His faith does not see the legitimate outcome of pantheism in the caste system of India or in the Buddhism of Central and Eastern Asia, but sees only the removal of all ascetic elements from our present Christianity as the desirable and legitimate result. His vocation is therefore negative—to remove restraints. What will remain to do when all restraints are removed, he does not contemplate.

The intellectual problem of the age is how to bring into harmony the scientific view with the religious faith—how to elevate the philosophic standpoint from pantheism to personal theism where the Christian religion has established itself for so many centuries,

and has replaced Oriental fatalism and quietism by free rational activity.

II. THE PSYCHOLOGY OF METHOD.

Allusion has already been made to "sense-perception," "crude reflection," and "advanced reflection," as so many stages of thinking.

Some special exposition should be made of these and other psychological distinctions, in order that our survey of the method of demonstration may be complete.

To "reflect" at all—i. e., to turn the gaze of the mind inward upon its own movements and to observe its activities—is to turn from the perception of individual objects to the perception of forms of seeing objects—hence to the perception of general objects—species or genera.

Sense-perception sees individual objects (the *πρώτη οὐσία* of Aristotle), while reflection sees the species or genus (*δευτέρα οὐσία* of Aristotle). The individual object is perceived by the *first intention* of the mind, and the species is perceived by the *second intention* of the mind (*prima intentio animi* and *secunda intentio* being distinctions made by Avicenna). Such ascent of the mind from the perception of an individual object to a perception of the class (species or genus) of those individuals is an ascent from a stage of knowing that cognizes particular individuals to a stage of knowing which cognizes collections or sums of individuals potentially infinite. Sense-perception perceives this particular sheep, while reflection perceives sheep generically—i. e., all sheep.

In the *second intention* the mind has ascended so far above the first form of thinking that it can contemplate that form of activity *as a whole*, both subject and object. To the *first intention of the mind* the world exists as an infinite multiplicity of isolated individual things. To the *second intention* the world is a collection of species or genera. Language becomes possible only upon the ascent of mind to the activity of the *second intention*; for words have meaning and significance in proportion as they imply a general class of things or actions—i. e., in proportion as they refer the special subject under consideration to a species already known. It is to be noted that species and genera are not arbitrary classes, at least not in their normal use.

Objects of *second intention* for which the significant words in language stand, are processes each implying an activity with several stages of evolution and dissolution. The word *oak* implies the

thought of a certain plant in all its processes of growth, reproduction, and decay, and it is used as a name for the entire process and for each of its stages. Second intention collects into one the scattered elements which it has found to exist in essential relation. The species realizes its elements in succession—first the acorn, then the sapling, then the tree, then the acorn again.

The individual which the senses perceive is a mere stage in a process, and has its explanation in the entire process, which preceded and will follow it. Hence the object of first intention is only a passing phase. Look again, and it has become another. The continual metamorphosis in the sense-world, however, is the manifestation of the world of species or genera. When we see the passing individual in the perspective of its history, and understand its genesis and decay, we have attained a true scientific knowledge of it.

Reflection, therefore, as *second intention* is not the begetter of a world of mere "symbolic ideas," which are faint images of immediate sensuous impressions (as Hume taught), but the species and genera of second intention are the generic creative processes through which individual things come into existence, grow and decay, giving place to others. General terms, moreover, in language correspond for the most part to such processes, real or fictitious, and therefore correspond to a higher degree of reality than proper names. The reality of the fleeting individuality is partial only; in the process of change another reality vanquishes it. But the reality of the process is the reality of a might which evolves the real individuals of sense-perception in a series, and likewise subverts each individual by a more potent reality.

Objects of second intention are related to objects of first intention as *force* is related to *thing*. The thing is a temporary equilibrium of force; force is the general might which manifests its nature in causing a series of things to come into existence and depart again. The activity of the mind which is called reflection or *second intention* is of the nature of synthesis, grasping together the object and the subjective activity (the latter being entirely below the surface of consciousness in the stage of sense-perception). This grasp of the subjective activity is a synthesis of the observed history of the sense-object into one view—the species, that which abides under the fleeting show of the world before the senses.

Were the two activities of the mind just discussed the only ones, the mind would never inquire for a first principle, never would have an intellectual demand for God. But the activity of second

intention leads constantly toward a third intention of the mind, or to an activity which contemplates from a second stage of reflection the *form* of the activity in first and second intention.

Just as second intention contemplates the *form* of sense-perception, and thus gathers into homogeneous processes the scattered fragments perceived by it, so third intention (named "third" for convenience here) perceives the form of second intention and gathers into *one view* all its species and genera. Hence arises philosophy or theology.

The intellectual activity of the race—a vast process of experience, intercommunication, and assimilation, carried on through millenniums—has reached one by one the various general conceptions which are the heritage of its culture, and are embalmed and preserved in *language* (not the language of one people alone, but of all peoples; for each people has collected its experience into combinations expressed by general terms, no one of which exactly corresponds to any one of another people). These general terms vary in degrees of extension and comprehension. Thus one general idea stands for a process so extensive as to include many less generic processes, as plant includes trees, grass, mosses, etc., each one of which includes subordinate processes, as tree includes oaks, maples, pines, etc. Very general ideas have thus arisen from the synthesis of the second activity: there are matter, life, force, nature, motion, besides more universal ones, such as essence, cause, form, difference, substance, existence, mode, quantity, quality, being. All of these terms arise through the mental activity of the race, and do not, as yet, imply any activity of the third intention of the mind. When, however, the mind selects one of these general concepts, and sets it up as the one source, support, and end of all the other species and genera of the world, then the mind ascends to a third activity, and becomes philosophical and theological. It makes a final reduction of the multiplicity of the sense-world to unity. Its activity, no matter how feeble; or how crude its results, is directed upon the form of the lower activities; and its syntheses each include or aim to include, the totality of the objects of second intention.

The implication or presupposition of the point of view of even the lowest realization of philosophy is such that out of it may be deduced the first principle of the highest philosophy. It makes no difference for this purpose whether we take the first principle of Thales (water), Parmenides (being), Pythagoras (num-

ber), Aristotle (νοῦς ποιητικός), Leibnitz (the self-representing monad), or of Fichte (the Ego). Let one set up as the first principle any of these, or any others—such as matter, force, etc.; it is all only a difference in names as to what is really implied or presupposed. It is not, however, by any means indifferent for the followers of the philosophy or theology whether they endeavor to think the first principle under a term of spiritual import or not.

In order to illustrate this position, let the first principle set up by third intention—as the one adequate to explain all others, and be the origin, sustaining cause, and final destroyer of them—be represented by x ; x will thus stand for water, being, number, matter, spirit, or any other category assumed as first principle. Then, according to the conditions implied or presupposed, it will logically follow that—

1. x is the ultimate principle, the whence and whither of all.
2. x is thus set up as a universal which is the sole origin of all particular existences, and also the final goal of the same.
3. Hence x is an active energy giving rise to special existences, and also changing them into others with all the method and arrangement which we can see in natural laws, for x must contain in it the potentiality of all that comes from it.
4. Hence x is creative, causing to arise within its own general substance those particular limitations which constitute the characteristic distinctions and the individuality of things. It is negative or destroyer in that it annuls the individuality of particular things, causing to vanish those limitations which separate or distinguish this thing from that thing.
5. Such a principle as x is thus defined to be, in accordance with the functions necessary to it for the rôle of absolute (viz., that it causes existences to arise from its own substance by the energy of its own activity upon itself and within itself, entirely unconditioned by any other existence or energy) is self-determination, and therefore analogous to that factor in all our knowing which we term the Ego—an activity which is universal and devoid of form, and yet is incessantly producing and annulling forms, by thinking various thoughts, and creating mental images.

6. Further, by way of explanation: x is a general concept—all highest principles are selected from the products of second intention.

Hence x , itself a term for species or genus as resulting from second intention, is made altogether unique through the fact of its being set up as the absolute or as the totality and entirety of cogni-

tion ; and hence, as not limited through other cognitions, but as containing within itself all limitations necessary for the particularization of other cognitions. Hence, like the pure Ego, it is the potentiality of all special ideas and an active process giving rise to actual particular existence.

7. Thus no matter what name is given to an absolute first principle, such a principle set up to explain the whence of what is, and the whither it is tending in its present state of becoming, implies the thought of a totality which is purely universal and at the same time a pure activity originating special existences ; hence, the first principle is self-determining.

While the mere fact of undertaking to construct a system of philosophy implies so much, being, as it is, founded on at least a glimpse of the third intention of the mind, on the other hand the actual history of philosophy shows us all degrees of crudeness in the realization of the attempt. There, are, in fact in philosophy three phases of reflection—perhaps as distinct as “intentions of the mind.” The first stage of philosophizing is content with dogmatically assuming some one genus or species as the first principle of all that it sees in the world.

The Ionian hylozoists, for example, selected water, air, fire, etc. But the stage of dogmatism does not prove its first principle—i. e., show that it is the ultimate presupposition of each and every other principle. Hence arises the second stage of philosophy, which contemplates method, or the process of deriving and explaining. It looks upon the procedure of dogmatism as a whole, as a form, and in this respect is a new intention (a fourth).

All philosophical skepticism arises in this intention which looks upon method. A higher grade of reflection, which contemplates method as a totality and sees what the standpoint of method implies, exhausts the possibilities of reflection, for it sees philosophic truth in a system in which principles and method are united. It sees that every method implies the principle of self-determination, not only as first principle, but also as method ; and thus that method and first principle are identical when clearly seen. All systems in which method and first principle differ are inadequate and contain implicit contradiction.

These several intentions of the mind are possible to every human being, but only two are realized fully in ordinary intellectual culture. Religious doctrine supplies the want of the third inten-

tion to most minds. Indeed, the first or dogmatic stage of the third intention of the mind is prolific in theosophic systems and abounds more in faith than in scientific insight. The mind sees the necessity of a first principle, and recognizes personality in it, before it comes to a knowledge of philosophic method.

III. THE EXPOSITION.

The most central road traveled by philosophers to the insight into the first principle is that which starts from the idea of dependence.

1. A being is either dependent or independent; if it is dependent it implies another being upon which it depends, and to which it belongs as a part to a whole, making with it only one being. A chain of dependent beings is thus in reality only one dependent being.

2. Hence, all being is independent or else a part or element of independent being. Reciprocal dependence (A depending upon B, and B likewise upon A) makes an independent including whole as a system. All total beings or total systems are independent.

3. But independent being must have determinations (qualities, attributes, modes of existence, which give it a character), otherwise it would be an empty void, a pure nothing, even though dignified by the name of the "absolute."

4. If determinations are from without, external, they are limitations and modifications received through another being. But all such modification or limitation through another renders the limited and modified somewhat dependent; it depends on the other which limits or modifies it. Hence, the independent being can not have external limitations or modifications—modifications which it receives from others. Yet it must have determinations, and it is necessary, therefore, that it be self-determined, and only self-determined.

5. Pure self-determination implies that every phase of its constitution or nature is self-originated. What it is, is so because it determines itself to be so. Thus it exists dually (a) as determiner or determining subject—active energy; and (b) determined, passive product of its activity.

6. If the action of self-determination results in producing a passive product, it is self-destructive and contradictory. In order that the active self shall determine itself as active, it is necessary that self-determined as product must become self-active. The object must become subject.

7. That which can develop or become is necessarily only *in part* real; it is partly potential and partly real. When a being is

real in all its potentialities *at once*, it is evident that it can not change. If the *all* were a progressive being, it would follow that it possessed potentialities other than its reality; but only a finite time can separate a developing being from realizing all of its potentialities; an infinite interval is incompatible with potentiality—that which will never be realized is for that reason no potentiality. The absolute self-determined is therefore perfect realization from eternity. It does not become, although there may be a sphere of becoming within one of its aspects (active or passive) as a subordinate limited phase thereof. It remains now to investigate (A) what this form is which contains the identity of active and passive, and (B) the existence of a phase of becoming (in order to account for a world of change and development).

8. The action of a cause results in modifying the object upon which it acts so as to bring it into identity with the cause. It annuls determinations which it finds existent in the object, and replaces them with its own. A cause continuous in its action repeats the process, and annuls again and again the determinations of the object, replacing them by determinations of its own. The first determinations may have been quite alien to those of the cause. Its activity annulled these and modified the object so that it became partially homogeneous with the cause. The subsequent action replaces the determinations already partly its own by others still more assimilated to the cause. Thus, too, the self-determining, in its first phase having the form of self-opposition into active and passive, is a perpetual assimilation in which the self as object (self-determined) becomes identical with the pure activity as subject (self-determined).

This involves the fact that the self-determiner determines itself as self-determiner—i. e., as active, as subject. And there is development until this process is complete. Hence the first principle as self-determining is in one phase (that of subject) primordial self-determiner (pure activity), and in its other phase likewise a self-determiner which has become self-determining (active) from a state of being self-determined (passive); and this becoming is a process which, as far as the absolute is concerned, has been completed from eternity (hence the concept of “the eternally begotten Son,” “the Word which was in the beginning”—a word eternally spoken, but still a “word”); but, in another aspect (still to be explained), this becoming is realized as a finite process, and this is the world as manifestation—as nature and history.

9. The "eternally become"—the object, or passive side of the absolute self-determining, which has become self-active, self-object—has reached identity with the primordial pure activity of the first principle—it is the image of the absolute, and is absolute. The first principle may be said to have eternally reflected itself in this image. Whence then finite, imperfect creatures, whence are birth and decay, change and vicissitude?—these are involved in the nature of the image. It contains implicitly the process of development, from the pure passive to the pure active. It (the image), too, is a self-object, and reflects itself—as a self-determiner which is active, and a self-determined which is or has been passive.

This image of the image is a complete or total manifestation of the entire process implicit in the "eternally-become" image. The necessity of the existence of this second image is found in the fact that the first must be self-object, and, as self-object, it must see itself as a return in all its stages—and hence an infinitely multiple world of beings in all degrees of perfection—from pure space (chaos) up to pure self-determination ("the just made perfect"); and besides this the world of beings must be a world of change, or of active annulment, of all lower forms by the action of laws which cause them to give place to higher beings.

This second image is therefore creation, so called, the world of nature and history—an eternal metamorphosis of each phase of being into a higher one (thus progressive development), but an eternal welling up of lower and lowest-organized beings from the abyss because this image must always be complete, resting on chaos below and on pure self-determination above. Chaos is realized in pure space—the empty externality devoid of contents—pure externality.

What is the highest being in the scale of existence? What is the link which constitutes the return to the pure activity?

10. The pure activity of self-determining which is not passive nor limited, but only the producer of limits, comes into identity with itself when its object, too, is self-determining, and a pure activity. Pure activity is timeless and spaceless. Time and space are conditions only of what is dependent and limited from without. Hence the first principle transcends time and space, and so also does and must its (the first) image transcend them likewise. The second image begins as limited by time and space (nature) and becomes pure activity transcending time and space (in man's spiritual development). The primordial activity is a producer of results, but of free results. Hence it is an activity of thought and of con-

sciousness, and not the functioning of a blind force. It makes distinctions, but such as are not conditioned through an objective, independent world, nor such as are purely subjective in the sense that they are less real than things of sense. No form of existence in the world of finite things has this peculiarity—the mind of man, however, realizes its several phases: these are freedom (ability to form and unform its objects), self-reflection (ability to realize its own might through the annulment of any determination it has caused), self-consciousness (through this penetration of each object, being its cause, sustainer, and destroyer, its determinations are transparent—i. e., realized in a threefold manner to be its own determinations and not produced by alien power). The highest form of being in the world must, therefore, be that of conscious being. On the stage of mind, being becomes progressive through its own activity, and not merely through interaction with others (i. e., progressive as an individual and not merely as species). The individual as conscious being can annul his own limits, and change without losing his individuality; he can become generic, or become species, by assimilating through his own activity the determinations of the world. (This power of self-development, culture, is that which makes man the microcosm: he realizes within himself the determinations of the macrocosm, and becomes its image—not an image of its fleeting, particular forms, but an image of its abiding, eternal process—the process of manifestation of eternal self-consciousness.) In this is to be found the doctrine of the individual immortality of men, as distinguished from the immortality of the species or of mind as an abstract process.

The ascent from the standpoint of ordinary consciousness to this one of self-consciousness is involved in the doctrine of reflection, or of the “intentions of the mind,” already treated. Lest the position here taken be confounded with pantheism, a distinction must be drawn between the two forms of necessity.

11. Freedom underlies fate, which is external necessity. Let one set up fate as the highest principle, and it will exhibit this as follows:

a. All things are necessitated, each being what it is because the totality of conditions makes it to be what it is, and prevents it from becoming aught else.

b. But the existence of change as a fact offers itself for explanation. Hence we must say when we see something new originate, and replace something old that ceases to be, that this happens because the totality of conditions necessitates it.

c. But how can the same totality of conditions be the necessity of both the new and the old? If it allowed the old to give place to the new, it did not necessitate it to be what it was, for otherwise how does it equally permit the new? If fate is indifferent to old and new, allowing the one to succeed the other, it follows that there is a play of chance or contingency within it, which destroys its constraining effect, and we shall have to correct our principle, or else say that the totality of condition changes, and that the old was necessitated by a former totality and the new by a new totality.

d. Hence we have introduced change into the totality of conditions, and this introduces potentiality. The totality is not only a reality but has likewise the potentiality of becoming different, and it necessitates itself to become (or change into) what it is potentially. Hence the totality is a self-determined, and therefore fate presupposes self-determination as its ground.

With self-determination we pass from the dominance of the idea of efficient cause (which as first principle is the doctrine of fate) to final cause (the doctrine of freedom and of personal God). With self-determination no particular being comes into existence except as tributary to realizing or manifesting self-determination, and therefore every existence has its sufficient explanation not through an efficient cause, but through final cause. The explanation, of a thing or event, therefore, consists in showing its function in the process of manifestation of self-determination as the highest principle. Efficient cause is fate : final cause is freedom.

This is the standpoint of Aristotle ("Meta." xi, 6, 7), and of the thinkers after him, that have had any insight into the highest form of reflection (fifth intention of the mind). He who will may ascend into their thought, but not without energy of his own. For participation in the wealth of ideas is only for those who undertake the labor of rethinking them. Questions of fact in the realm of sensuous phenomena may be "settled" by the investigations of others, but in the realm of ideas nothing can be "settled" for the mind that does not think out and see the necessary results of the demonstration. All individuals are born into the lowest stage of mind, and inherit no ready-made insights, but must obtain them through their own study and reflection. The royal road to this is to be found in a study of the great thinkers of the race.

WILLIAM T. HARRIS.

STEAMBOAT DISASTERS.

ALTHOUGH there are many points of resemblance between the ocean-steamer and the steamers running in sounds and along shore, it will be necessary to treat of them separately. The greater number running on the Atlantic being under foreign flags, we can only hope to influence them through public opinion. Speed, economy of fuel, and luxurious accommodations are the principal elements commanding success, and, so far as we know, those carrying passengers and valuable goods are well equipped and well commanded ; the traveler seeking comfort goes on board and examines the cabins, the smoking-room, and the bath-room ; he does not inspect the life-boats or the rafts and life-saving gear, nor does he ask to see the station-bills ; the accommodations and the bill of fare are to him the most important. There is another class of steamers plying on the great thoroughfare which take few or no passengers ; they are generally long, deep, and narrow craft, some of them having double bottoms divided into spaces or tanks wherein water-ballast to the extent of several hundred tons can be carried when the vessel is light, and which, when she is heavily laden, are pumped dry. Now this is a very good arrangement for steam-colliers of considerable beam compared to their depth ; it saves time and money ; but for the class of long, deep, and narrow vessels alluded to it is open to grave objections—the tendency of such craft is to capsize ; for it is obvious that, upon the least shifting of a grain-cargo, causing the heeling of the ship, the empty space at the bottom, the air-chambers, must have a direct tendency to come to the surface, and the ship turns over : as there are not many lives at stake on these vessels, the underwriters are the parties principally interested. The greatest risk to these, as well as to the fine, fast passenger-ships, lies in the fact that most of them run out and home on the “go-as-you-please” principle ; they are not obliged, as they should be, by inter-

national compacts, to come out by one route and return by another, as is the rule by the Cunard and the Inman Companies. We never take up a paper (especially in the season of fogs and full lists of passengers) without looking for a terrible collision, involving the loss of many precious lives : the catastrophe must come sooner or later, and, until it does come, nothing will be done in regard to the establishing of what is generally known as the "ocean-lanes." In the early part of 1874 an effort was made by a committee appointed by the Social Science Association, in conjunction with the Institute of Technology of Massachusetts, to examine into and report on the subject of "ocean-lanes" : the writer was chairman of the committee, and his associates were chosen from among prominent merchants of Boston, New York, Philadelphia, and Baltimore ; and Professor Benjamin Peirce was a member ; much correspondence ensued ; the report of the writer, dated early in January, 1875, winds up with the following words : " Your committee deem it to be of very small importance whether we adopt the Maury, Wyman, Inman, Cunard, or the Blunt tracks, as compared to adopting some well-defined courses. So long as we avoid a too near approach to the Virgin rocks, Cape Race, and Nantucket Shoals, and keep our track to the west as narrow as possible when on the fishing-grounds, it matters little which we adopt ; what we require is, a general concurrence of opinion among steam-lines." Referring to Professor Peirce's views as expressed at a meeting on the 20th of May, and alluded to in a report of the Academy of Arts and Sciences, the report goes on to say : " These views are of primary importance, and, if they can be carried out, will do more to meet the question of safety to life and property than all the figures on latitude and longitude, fog, icebergs, and collisions."

The effort failed mainly for want of a concurrence of opinion among the managers of steamship lines, and collaterally for want of the active coöperation of Professor Peirce, who, although in Europe, and much interested in the subject, could not give time to it. This matter of defined courses, out and home, stands first in importance in discussing the preventives of grave ocean disasters. Assuming that the discipline on board of the principal steamers carrying only first-class passengers and cargoes is as nearly perfect as can be expected, there is still room for improvement in the life-saving appliances ; many of the boats wrongly classed as " life-boats " are very heavy, and, in the long run, will be less useful in saving life than lighter boats would be, and they fail altogether as compared to

rafts. Besides their defects as "life-boats," they are generally so badly stowed and fitted for lowering as seldom to be found ready for the duty expected of them.

In discussing the matter of rafts, it will be well to keep in mind that wooden and metallic rafts, depending on being tight for their integrity, while less liable to injury from the attacks of vermin and fire than India-rubber rafts, may have imperfections without showing them; whereas the latter, if kept partially inflated, will at once show a leak. In cases where persons throw themselves overboard to escape fire, the wooden and the metallic rafts are more likely to injure them when they are launched than the softer rubber rafts; so that, on the whole, and disregarding the very important matter of cost, we think the rubber raft is best. Steamers should have more rafts than boats, and every movable seat on deck should be a life-preserver. Every door should be fitted to be easily unhung and made available as a raft, and after all this is done the ship herself should be as nearly unsinkable as possible; this can only be accomplished by having the engine-room, the boiler-room, and the cargo spaces absolutely shut off from each other; and the lower deck, on which the ship depends principally for the integrity of the cargo-compartments, should be of iron, and every hatch should be secured so as to be as tight as a man-hole in a boiler. Every compartment should have its own pump and its own chemical device for putting out fire. Add to these precautions careful packing of valuable goods, in water-tight casks or bales, so that each package shall be a floating power, and then stowing them intelligently, so that the lighter goods shall be put in the fine ends of the ship, and we shall have some approach to an unsinkable ship. Instead of one collision-bulk-head, generally placed rather too far from the stem, there should be two, so that, in the event of a rupture filling the forward compartment, the ship's trim shall not be materially affected. Supposing the forward compartment to be stowed full of floatable packages, every one can see that a rupture filling all the vacant spaces among the goods would not interfere materially with the trim or the safety of the ship. This matter of packing all valuable goods in perfectly tight casks or bales, while of great importance to underwriters, is also of great importance as a life-saving measure.

Next in importance are the signals and the lights. Fog-signals by whistle should denote approximately the course the ship is steering. There have been, of late, several publications on fog-signals: one has an automatic arrangement by which a signal is given for

every two points of the compass ; another still further subdivides the code, so that the most accomplished deck-officer, with nothing else to do, could not fail to make mistakes ! The safest fog-signal should denote simply whether the ship is going northerly, southerly, easterly, or westerly. As to lights, the electric light has lately been highly recommended as the best to denote the position of an approaching ship ; but grave doubts exist as to the effect upon the vision of the party showing it, so that we have some doubt as to its adoption as the principal light for a steamer. The usual screen-lights—the port one red and the starboard one green—are generally much too small. A steamer of large proportions should have light-houses large enough for a man to enter, and the light should be capable of being seen much farther than the twopenny lights in general use.

Having said thus much as to preventives in ocean-steamers, we now come to the peculiar class of steamers running in our sounds, bays, rivers, and along our coast. The late lamentable accidents by collisions and by fire have elicited many loud and some unreasonable comments ; there is much to be said both for the public and for the parties controlling the steamers ; great stress is laid upon discipline and organization, and one writer goes so far as to include the drilling of the crowd of passengers ; strict man-of-war discipline is out of the question on board of craft where the crew and firemen may walk on shore whenever they please ; but there should be frequent inspection by the representatives of the laws and by the officers of the steamers. Now, as these craft can not afford to have a full crew, well drilled, for each boat and each raft, they should have at least a competent seaman as captain to each, and he should be held responsible for the efficiency of his boat or raft ; to provide men to man all the boats and rafts at present, we must depend on the waiters and sub-officers and passengers, and all except the latter should have stations assigned to them in the event of a call to quarters. There should be at least one raft and one boat for every one hundred persons permitted to be carried, and these should be so hung and so stowed as to be accessible to the most inexperienced traveler. In harbor, or excursion-steamers running on short routes, the so-called life-preservers required by law to sustain twenty-four pounds of dead-weight should be kept in sight, handy to be got at, and they should have strings strong enough to hold the considerable strain on them when a person jumps overboard from a height. There should be posted at several

points on the steamer and in every state-room a clear illustration of the mode of attaching the life-preservers, and every chair, every seat, every door, should be a life-preserver; add to this a lot of the round life-buoys, called after the inventor the "Cartes buoy," slightly fastened to the deck-rails; and in such cases as the *Narragansett* and the *Seawanhaka*, burned near Hell Gate, there will be a fair chance of saving many that might otherwise be lost. These buoys should have life-lines several fathoms in length attached to them. It is also recommended to follow the example of the skipper on board of whose ship *St. Paul* was a passenger, who, according to Scripture, cast anchor out of the stern.

In the case of the *Stonington*, which ran into the *Narragansett*, her bow being stove, it is assumed that she had no means of anchoring, and so she drifted away; when, if she had been furnished with a stream-anchor near the stern, she might have been kept nearer to the scene of the disaster and have saved more persons; and so with the *Narragansett*, it is possible that, by anchoring immediately by one end or the other before she grounded, the fire might have been less destructive; at all events, no one can deny that a stream-anchor and hawser near the stern may sometimes be a valuable aid in saving life. The steamer *New York* did excellent service in the late disaster, and her officers and crew no doubt deserve credit for their prompt assistance, but they do not, we feel sure, desire to be classed as "brave and gallant heroes" for merely doing their duty. Pending the decision of the Commissioners, we say nothing as to the culpability of the sister steamers beyond the fact that at such a time and in such a place, knowing full well that they must meet near that locality, there must be great blame somewhere. After all that has been said, we must not lose sight of the fact that the traveling public is responsible for many of the sins of omission and commission so lavishly attributed to the owners, masters, and crews of the floating palaces in which one can go to New York cheaper than he can stay at home; the traveling public should examine into the safety arrangements, in preference to the furniture of the cabins, the amount of plate-glass, the gilding, and the *cuisine*.

Referring to ocean accidents, a word may be said as to the manner of rescuing persons from a ship on fire, or in a sinking condition. In the case of the steamer *Connaught*, lost in October, 1860, when she first sprang a-leak and then took fire, the whole crew and passengers, numbering over six hundred persons, were rescued by the brig *Minnie Shiffer*, Captain Wilson, who made fast to her by a hawser.

In the case of the Central America, Captain Herndon, in September, 1857, when four hundred and nineteen perished out of five hundred and ninety-two, there was no attempt to make fast to the wreck, and one of the rescuing vessels, the brig Marine, hove-to under the lee and drifted away so far that, before many could be taken off, the steamer went down. Although the sea was somewhat rough, it would have been very easy, if the proper measures had been taken, when the rescuers were seen bearing down on the steamer, to have got a hawser to her, and probably, as in the case of the Connaught, all might have been saved. Captain Herndon, a gallant officer of the United States Navy, went down with the ship, refusing to leave her; besides the Marine, a schooner ran down close to the stern of the steamer. Only three of the steamer's boats were available; by the time they had left for the second trip, the brig Marine had forged ahead and drifted five miles to leeward; one boat was stove alongside of her, and the others were damaged. Soon darkness set in, the bailing was discontinued, and the steamer went down.

After the ship sank at 8 p. m., many persons were left on the *débris* of the wreck until at about 1 p. m. of the *next day* the Norwegian bark Ellen came along and picked up forty-nine persons. The thrilling account of this remarkable case was obtained from the "United States Nautical Magazine" of January, 1858. In the case of the Amazon, lost by fire in the Atlantic many years since, the steam could not be shut off, the engineers having been driven from their posts, and she went careening about at full speed, swamping nearly all the boats, with the loss of many lives. The sinking of the Birkenhead troop-ship near the Cape of Good Hope affords a brilliant illustration of military discipline: the ship struck a rock, bilged, and sank, pending which the soldiers were called under arms, and with their colors flying went down with the ship, few surviving to tell the tale. Want of space prevents the mention of many other cases where the value of discipline became prominent. One of the most effective means for saving lives in vessels of war was recommended by Admiral Ryder, of the British Navy, consisting of a life-preserving hammock. The ordinary article with a hair mattress floated nine minutes with a six-pound shot attached to the middle, and by simply oiling the ticking it floated two hours and a half; and by filling the ticking with cork-shavings a hammock was estimated as capable of sustaining two or three persons indefinitely. The writer, after reading Admiral Ryder's account, made some ex-

periments by placing a cork mattress and hammock, blanket, etc., in a close woven cotton canvas bag which, with its mouth well secured by a string, floated *two thirty-two-pound shot four hours*, and one shot indefinitely; a subsequent trial showed that the common hair mattress, blanket, etc., put into a waterproof bag, floated twenty-four hours with one shot of thirty-two pounds, and then a second shot was added and it floated another day. Notwithstanding the publication of these facts, the life-saving hammock has not been adopted in our navy. Many years ago a British frigate took fire near the mouth of the river La Plata, and the majority of her crew were lost for want of boats and rafts. If they had been aware of the value of their hammocks as life-preservers and had been well drilled in their use, many lives might have been saved.

Among the useful means for communicating with ships and with the shore may be mentioned a light gun, such as is in use at the stations of the United States Life-Saving Service on our coasts, by means of which a line may be sent to a ship or to the shore to save lives. Every passenger-steamer should be provided with means for throwing a line.

Referring to what has been said in regard to chemicals for extinguishing fire, several very simple devices have been thought of; one of these consists of a reservoir of portable dimensions and moderate cost, containing liquid carbonic acid, which on being ejected extinguishes fire. This was suggested to the writer by Lieutenant-Commander F. M. Barber, United States Navy, who delivered a lecture upon it before the Massachusetts Institute of Technology in the winter of 1875-'76. It was suggested principally in reference to extinguishing fires arising from spontaneous combustion of coal in coal-laden ships. Another on a similar principle contains a chemical preparation which is ignited by breaking in the reservoir a small bottle containing a liquid. If every compartment of a cargo-ship be furnished with one of these reservoirs, so arranged that it can be operated from the deck, fire would probably be extinguished very readily.

It is taken for granted that every well-appointed steamer is so arranged that the steam can be shut off from the deck in the event of the persons in charge being driven out of the engine-room; if not done, it should be.

Persons under the influence of panic are often induced to throw themselves into the sea, under the impression that great danger exists from being drawn down by a vortex created by the sinking

ship. Ships generally go down gradually, and it is safer to stick to the ship than to leave her, unless furnished with a good life-preserver. In regard to the use of rafts as well as all other kinds of floats, it should be kept in mind that to remain in the water, holding on by the lanyards, is much safer than crowding upon the float and so sinking or turning it over. One great safeguard to the traveling public may be found in early gymnastic exercises in the water, so that they shall constitute a part of the education of youth. Dancing is taught to both sexes as a healthy accomplishment, and it is undoubtedly good for their muscular development; swimming will be good also for this purpose, and if taught in tanks kept at a proper temperature winter and summer, under the superintendence of experts in life-saving machines, it will not only be a graceful accomplishment, but a great blessing in times of disaster on the water.

Color-blindness is a subject we never heard of until recently; in the "United Service Review" for August, 1880, Vol. III, No. 2, will be found some curious statistics on this imperfection by Lieutenant Schroeder, United States Navy. As affecting the signal-lights of ships, it is a subject of great importance. Quoting M. Favre, a French physician, it is reported that, in examining 1,050 men, aged from eighteen to thirty, thirty-eight were affected by peculiarity of vision. A Mr. George Wilson made experiments in Edinburgh, showing that one in seventeen persons had defective sight; that one in fifty-five could not distinguish between red and green; and another Frenchman found that out of five hundred and one persons, between seventeen and fifty years of age, thirteen were color-blind, and eleven others had very defective sight, and twenty-three hesitated in defining colors, showing that about nine and a half per cent. of all he examined were more or less affected. It is also stated in the article in question that color-blindness, though generally originating in birth, may be caused by bruises, by fevers, and by the excessive use of stimulants; and a case is cited where a man mistook gold for silver, which we fancy is not a very uncommon case! Seamen should therefore be carefully examined as to their optics, for the men on the lookout, as well as the officer on the bridge watching over some hundreds of precious lives, may by reason of color-blindness or Daltonism be worse than useless. Dr. B. Joy Jeffries, of Boston, has given much attention to this disease: he finds that, out of ninety-four employees of railroads and steamers, two are color-blind and eighteen are below the visual standard. In making any

changes in lights for vessels and signals for denoting the course in fogs, great care must be taken to have them very simple. In Lieutenant Schroeder's paper a system, said to have been introduced into the naval service of this country, and submitted to foreign governments, with the view of having it adopted as an international code, gives sound-signals for every two points of the compass, with intervals between the blasts of a certain number of seconds. This code is much too complicated. Lieutenant Schroeder simplifies it by confining the signals to northeast, southeast, southwest, and northwest, and, for intermediate points, he suggests long and short single blasts, so given as to denote the intermediate points. Omitting this subdivision, his plan is better than the other; and we are not sure, as already suggested, that signals denoting that the course is northerly, southerly, easterly, or westerly, would not be found better in practice than any further subdivision. On the great thoroughfare, the North Atlantic, the simplest signal will be found the best. Whatever sound-signals may be adopted, it must not be forgotten that steamers running at speed under nearly full pressure may be placed in jeopardy by a sudden blowing off of steam, impairing the sound of the whistle; or it may become necessary to blow off steam just at the time when silence may be most important, and so deaden the sound-signals and disturb verbal orders.

We would inquire, Why can not steam be blown off so as not to interfere with the sound-signals and the verbal orders? We remember a case in point where we were present in 1849, when a Cunard steamer ran down an American bark, of whose crew and passengers about one hundred and forty were drowned and killed. The instant the steamer struck, the steam rushed out, drowning all save the cries of the frantic victims.

Let us sum up the means for preventing or at least lessening ocean disasters. We place these in the order of their importance, according to our ideas.

1. Let us come and go by some definite route or limit wherein the "lane" shall be of sufficient width to allow of the necessary deviations by reason of a want of observations or by stress of weather.

2. Let the ship be amply furnished with rafts, boats, and life-preserving machines, and let her crew be well informed as to their use.

3. Let the fog-signals be of the simplest kind; and, last but not least, let her get over the journey as soon as possible.

This brings up the question of speed in thick weather, a much-debated subject. Now, as at certain seasons about one half the time there is fog, if we slow down to half speed the voyage is much prolonged, and the sum of the dangers is much increased. It is contended by the advocates of high speed that a powerful steamer, running on board of a vessel at half speed, would inevitably sink her, and that at a high rate the ship minds her helm quicker, and is more likely to clear an obstruction than when going at half speed. On the other hand, it is contended that a ship at full speed can not stop and go back without considerable loss of time; and the half-speed advocates say that the time in stopping and backing at half speed being less, might, in certain cases, be the means of saving lives.

After fully considering the matter of speed, we come to the conclusion that full speed is safest, save in exceptional cases, as on the Newfoundland Banks, among the fishermen, when it may be prudent to come almost to a stand. When steamers agree to cross the Banks by well-known routes, the fishermen will naturally avoid their tracks. We see no reason why steamers running on well-defined routes, such as Long Island Sound, should not go and come by different routes—say, all coming east to keep more than usual to the south, and all going west to keep more to the north; and these routes should be clearly marked on the charts, so that sailing-vessels and steamers necessarily crossing these tracks may, in thick weather, be aware when to look sharp for the signals.

There is much said as to the speed of steamers running on such routes as Long Island Sound. We are of opinion that a regular rate of speed in thick weather is safer than half speed, and for similar reasons to those given in respect to ocean-steamers, and also for another very important reason: these steamers keep a very accurate record of the time in running from point to point, from light to light, in clear weather, and when the fog shuts in they know that at their regular speed it requires just so many minutes to run from point to point; and, since the general introduction of steam whistles and whistling-buoys, they can generally make their course good in the thickest fog. Now suppose they slow down and stop frequently to sound, it is obvious to every seaman, who knows anything of this sort of navigation, that they lose their position; of course, there are places where the boat must take unusual precautions, and perhaps stop to sound or even to anchor; but, as a general rule, the regular rate of speed and a study of the tides will be safest. In certain

kinds of steamers the deck-houses should have their roofs so contrived as to be converted into valuable rafts ; this can be easily done at small cost.

The habitual traveler by water should have his hand-bag, in which is carried the necessary baggage, so contrived as to constitute a very effective life-preserver ; a double bag of vulcanized rubber, with means for inflation by the mouth between the lining, and the outer cover may be stuffed full of clothes, and sufficient air be blown in to keep a heavy person afloat, and the contents kept dry by securely rolling up and buckling the flaps at the mouth. Now, supposing that it becomes important to save several persons, the bag must be emptied, the lining pulled out, and the whole machine inflated ; to the inner and outer parts there must be handles, or "beckets," so that persons in the water can hang on to the float. The writer has traveled many hundred miles with one of these conveniences, and, although he has never had an opportunity of saving life by it, he has found it to be a great convenience as a pillow. This contrivance is specially recommended for those who travel by excursion-steamers.

R. B. FORBES.

INSINCERITY IN THE PULPIT.

IN the ecclesiastical order of Congregationalists, and in that of some other religious communions, one of the older ministers gives to a newly-ordained minister what in ecclesiastical language is called a "charge," as a part of the solemnity of his ordination.

One of the seniors in the Congregational body, when called to this duty at an ordination, used to say in substance this, to the "candidate": "Do not try to use influence in the ministry till you have it to use; and, when you have it, do not be afraid to use it."

The injunction affects an epigrammatic form, but it involves more wisdom than all epigrams do. It will be found that those sneers or flings upon clergymen, most frequently uttered, charge them either with an impertinent audacity or with a sneaking cowardice. The criticism attacks to-day a conceited little fool who, in twenty minutes, has undertaken to reconcile free-will and fore-knowledge; or to correct the House of Bishops as to the rubric; or to set right for the village some feud that has been smoldering since the days of Peter Stuyvesant. To-morrow it attacks some easy and comfortable old gentleman, who rolls good-naturedly up the broad aisle of the church to take his accustomed place in the pulpit, and, from a manuscript, which to the ungodly looks a little yellow, reads well-rounded expressions, which assure all the people that the speculations of a few young sciolists of to-day are too absurd to require refutation or indeed attention, and that all men will find in the Assembly's Catechism, the Thirty-nine Articles, or whatever other standard the case may require, all of truth that is necessary or desirable for this world or the world to come. To the student of human nature, what is interesting is, to observe that the young fool of forty years ago very often ripens into the old fool of to-day.

Of the young fool, and of the old fool both, the mental processes

may be suggested, and they are worthy consideration. . Of the young man's audacity, however, we have but little to say in this paper ; nothing, but as it connects itself with other men's reticency. Yet it is important to observe that four years in college, followed by three years in a theological school, do not specially fit a man for ten thousand of the most difficult cares of the ministry. They teach him a great deal else, but they do not of themselves make him a practical man. Many a good fellow, therefore, starts in ministerial life with many a bad blunder. He makes the usual college blunder of overrating the value of the particular facts he has learned in his seven years. With this, the other mistake belongs, by which he does not estimate highly enough the training or the information of those who have learned in other places, by other channels. What follows is that the "bumptiousness" of the beginning receives some well-deserved knocks as he goes on. And, by a natural process, which speaks well for human nature and the good sense of him who makes the experiment, he learns modesty and reticence, even by the results of his own conceit and audacity. In the palmy days when Margaret Fuller, Mr. Alcott, and Mr. Emerson, and the transcendental coterie around them, uttered their wisdom in "*The Dial*," once a quarter, a young minister going from Cambridge, on the eve of his first professional conflict with Satan, found himself enjoying the hospitality of a well-educated New-England family. He asked the opinion of his host on one of the last "Orphic utterances" of "*The Dial*," to be told that none of his new friends had ever heard of "*The Dial*." "Don't take '*The Dial*!'" cried the inexperienced Timothy ; "you must be barbarians." Now, this man had sense enough to see, as he grew older, how little sense he showed in such a maiden encounter, whether with Bereans or Lycaonians. Such a man, as he grows older, learns that there are, in religion, things which people know who have never sat at the feet of Dr. McCosh, or Dr. Alexander, or Professor Park, or Professor Peabody. After he has preached those terrible first sermons, which explain everything, which tell what is the basis of the power of faith, what is the place of mystery, what were the mistakes of Calvin and John Knox, and how it was that the Bible translators mistook in their Hebrew and their Greek, he begins to find that there are some things which he does not know himself. Nay, he begins to learn, even when he has not a book in his hand. He finds that the bed-ridden old man, whom he went to visit one day in a perfunctory fashion, knows some things of Life which are

not written in his philosophy. In a Sunday-evening call, he finds that that choice anecdote, which was the light of his morning sermon, was misquoted ; and that, in its more brilliant form, it was already familiar to those very people of "culture" whom he had thought to astonish. In a long drive with this merchant, whom he had thought a mere rule-of-thumb man, he finds that his own study of ethics has been but superficial drill, compared with the broad and deep philosophical investigations of his friend. Life, in short, teaches him the lesson of Life. He learns that the university did not teach everything. His sermons become in proportion more modest, more simple, more direct. But, in the utter failure of the first sixty of them, he has learned, very likely for life, his lesson of caution. And, after the first sixty have gone to their own place, the sermons which follow show how well he has learned it. By every mortified recollection of the fatuous folly of a boy's beginnings, is he tempted to tone down the statement which a man has a right to make. And, just in proportion as his first essays were audacious, do the habits of his manhood, even when he has a right to be bold, show traces of timidity.

He finds out also, if he did not know it before, that the pulpit is not specially the place for argument. The special business of the pulpit is to state what is. The preacher announces what he is sure of. As he does not go into the pulpit to wash his dirty linen, he does not go there to tell people what his doubts are. There are other opportunities for that. If he is a manly fellow—and, if he be not, he has no business in the pulpit—he can discuss these doubts at other times with those who will help him in the discussion. But, speaking in general, and admitting that there are exceptions to the statement, no man should use the pulpit for the proposing of enigmas, which he does not solve. Indeed, that is poor preaching which keeps a congregation on tenter-hooks, even for half an hour, while an enigma is proposed for which a solution comes at the end. The masters of preaching state the solution first. The pulpit announces truth. True, it may be the preacher's business to state opposing error. Then he states it fairly, and gives it its best show, that he may confute it the more thoroughly. But the real investigation of truth is to be pursued elsewhere. It is followed out in the study, or in personal discussion, or in the comparison of the best results of other investigators. It is only by a figure of speech that a preacher affects to carry along a body of hearers, made up of people of every different range of information and ability, into real study for the

first time, or the original investigation of a subject where they were in doubt when he began.

The success of all public address, indeed, comes from the conviction of the speaker. It is only in proportion as he believes what he says that he succeeds in making his audience believe it. If he is in doubt, he will not lead them. One of the affectations of our time leads public speakers the other way. But nobody cares much what they say. Nobody "minds." What a dreary business it is when the preacher before you halts to say: "Does not this statement approve itself as true? If not, for the love of truth, do not receive it! If, to-morrow morning, I find it is not truth to me, I will be the first to unsay what I have said, and to relieve you." All of us, in these modern days of mock sincerity, have heard this sort of apology for some half-hearted statement. But we have all taken care not to hear it oftener than was necessary. Nobody goes to church to hear a man tell what his doubts are. If he have no convictions, he need not stand in the pulpit at all.

So much reason has a man of conscience for refraining, in the pulpit, from bringing prominently forward questions which he is only learning to answer, and doubts which he has only begun to solve.

From the lesson of caution or modesty learned, perhaps, by the preacher from his own boyish follies—from the impossibility of proving in a popular address anything doubted or unknown before—and from the determination to announce nothing there of which the preacher is not sure, there grows up in all communions—nay, in different countries and religions—a certain reticency or timidity in the pulpit. This reticency reduces the sermon in popular esteem to a second or third stage in literature. It degrades the preacher in popular esteem far below the place of the true prophet, and even puts him below the position of a true priest, which always should be rated as lower than the position of a prophet. "I am afraid they think us insincere," said a clergyman of experience. "I think that if Tyndall or Huxley lectured in the Music Hall on one of our subjects—say on education, or on the relief of the poor, which every one would say were our subjects—I think that the audience of three thousand people there would believe that Tyndall or Huxley was telling the very best he knew, and telling it precisely as well as he could. I think the audience would believe in his sincerity. But if one of us ministers were to speak in the Music Hall on one of their subjects—on evolution, or the law of natural selection, or the crea-

tion of the world—I do not think that all that audience would trust us in the same way. I think many persons would doubt our sincerity, because we are clergymen. For we are constantly stating as truth so many things which we can not prove, that I think many persons have lost their confidence in our sincerity, and consider us as people who, in the interests of a cause, overstate, understate, or are in some other way indifferent to accuracy.”

We have assigned the causes which have led to a degradation so fatal to the pulpit. They account for it, perhaps, but they do not for a moment excuse it, or make it tolerable. Here are forty thousand speakers, or thereabout, calling together congregations once a week, at least, in this country alone, and addressing them on themes of the very highest importance. These speakers claim, and they obtain, the most respectful hearing. The immense enginery which assembles these congregations and the traditional respect which is the accumulated gift of centuries demand that these preachers shall tell the truth, absolute and simple, as they address the men and women before them. Nobody is asked to say anything, where he is in doubt. But it is asked—it ought to be demanded—that, where a man is certain, he shall say what he knows. Mr. Phillips Brooks, in his address to the Divinity School at Alexandria, has put the statement admirably. If preachers do not relieve their congregations from the strain upon faith in these days when faith is hard, “we are making ourselves liable to the Master’s rebuke of the Scribes and Pharisees: ‘They bind heavy burdens, and grievous to be borne, and lay them on men’s shoulders, but they themselves will not move them with one of their fingers.’”^{*} This is bad enough, and mean enough. For a minister to have his own private way of explaining the inconsistencies of the Pentateuch, of “getting over” the story of Jonah, of “accounting” for the disagreements of the gospels, while he warns his hearers against tampering with Scripture by private interpretation, and does not relieve their pains and difficulties by the elixir which has soothed his own—this is bad enough, mean enough. But, when his meanness disgraces his profession—when he makes men think of preaching as the science of concealment—when the very oracle of the Eternal Truth becomes the mouth-piece of commonplace, indecision, and insincerity, this is even worse. He damns, not only himself, which is of little consequence in the comparison, but he does all that such a

^{*} The address is printed in the “Presbyterian Review” for March, 1879.

mean coward can do to degrade the system by which the gospel has been till now most widely proclaimed, and to which, till now, we had all said it owes its choicest victories.

Yet it has seemed to us that preachers whom we should be sorry indeed to charge with duplicity have, under our own observation, wrought terrible havoc in this way. For a long period, it may be, a clergyman respected, honored, and beloved, preaches to an attached congregation what in his soul he really thinks they need to bring them nearer to God. Then, after months and years of a tranquil and successful ministry of truth, it occurs to him that he has, perhaps, been negligent in preaching "the doctrines." It does not seem to occur to him to ask why he has been negligent. Why should the Holy Spirit, whom he has invoked on his knees for help in all those years, let the "doctrines" slip by? He supposes, however, that the time has come for a drastic dose of "the doctrines." The old dogmatic books come down from the dust. The old note-books of the seminary are consulted again. Pure and simple, bitter, sour, and hard, "the doctrines" are proclaimed in their severity. Now, if this man believe them in their severity, that is one thing. Let him do fit penance for neglecting them for these years which have seemed so useful. But if he hold the old standards only "as substance of doctrine," if in his own heart he have this palliation, or that interpretation, an allowance here and a concession there, this proclamation of doctrine pure and simple, unpalliated, and unrelieved, without the allowance and without the concession, is simply the running a muck among innocent parishioners by an insane devotee. He wounds, God only knows how many tender spirits of those whom he has taught to trust him and honor him! And he wounds them with poisoned arrows. He is not telling the truth. At the bottom of his heart he ought to know this. Does he say it is, on the whole, well for "the Church" to have this proclamation made in its naked simplicity? It is not well for the Church, if it is a lie. And a lie it is, if he have kept back part of what he knew or believed.

We have no wish to make general accusations in a matter where no man can inquire as to the condition of separate consciences. But it is not we, it is the common sense of the community, which is beginning to make the accusations which the pulpit must meet. The authority and degree of inspiration of the Bible present a question which interests everybody. Without appeal to the separate consciences of forty thousand preachers, we are quite safe in saying

that the greater part of them no longer hold the notion which the Protestant Church held two centuries ago. It will be safe to say this at the very least, that, of the American ministers who pretend to any theological training, the great majority now assent to the general principles of criticism which now govern the leading theological schools of all communions. Men may not go so far as Dean Stanley goes in details, but they do start from the same principle of interpretation. To take the instance Mr. Brooks cites, they do not believe that the world was made in six literal days. Or we should be safe in saying they do not believe that the sun literally stood still upon Gibeon; or that Jonah lived three days and three nights in the stomach of a fish. We should be safe in saying that the majority of American preachers know and are fully convinced that there are inconsistencies between different parts of the Bible. They may account for these in different ways. The excuse may be as deliciously absurd as that of an eminent Hebraist, who said that the consonants only of the Hebrew text were inspired, but that the vowels were not inspired! No matter, for our purpose now, how they explain the business to themselves. They explain it. They do not hold—as their fathers did hold two centuries ago—to the consistency, the veracity, or the authority of every part of the Bible.

Now, the general community knows this, or suspects it. When, therefore, the great body of preachers go on—as to us they seem to do—citing single texts as absolute authority, speaking of any text as, of course, “the Word of God,” if found in the Bible, they win for the pulpit the epithets of “cowardly,” “insincere,” and “infidel.” Unless they explain to others the view they hold themselves; unless they proclaim from the pulpit what in their hearts they know, they degrade their office, and they do all they can to fling away the power which the pulpit seeks, and which, when a prophet of the Truth speaks from it, it commands. And the leaders of every communion where this caution shows itself must ask themselves whether here be not the reason why young men of pluck and character turn aside from the pulpit. The Archbishop of Canterbury, in his pathetic life of his son, appeals earnestly to the young men of England to come into the work which Craufurd Tait so distinguished. The men whom the Archbishop wants will not come if they think the pulpit is half-hearted, or that its utterances are reserved. Nor will any communion secure any preachers who are worth securing, unless it can weed out, to the fiber, every weed of irresolution or timidity.

The illustration of the authority of Scripture is a convenient one, because the issue is so simple. We follow it, therefore, so far as to ask gentlemen, who permit themselves to use in the pulpit common-places which the last century used as to the unity of the Bible, what they suppose the people before them are reading? Nobody is deceived in this business, if we can conceive the wretched thought that the pulpit wants to deceive. Let the preacher, who has dodged the hard questions on inspiration on Sunday, go into the bookstore on Monday and ask his friend the bookseller to tell him what books he has been selling in the last month. Let him find out there and at the public library what the more thoughtful and intelligent persons in the town are reading. Can it be that any preacher, with one ray of intelligence, supposes that only he and a few of his theological brethren have access to speculations and criticisms which are printed in popular editions, scattered everywhere, and so circulated that he who runs shall read?

"But how far shall we go?" This is the pathetic question of the timid preacher, whom we have described, frightened into caution by the echo of his own rashness as a boy. The answer needs no sphinx. The preacher is to go as far with his congregation as he has gone himself. He need not ask them to go where he is not sure. He need not, if he be anxious, set them on inquiry where he himself inquires. Because he doubts, he need not ask them to doubt. But, where he is sure, he is bound as a prophet of the God of truth to tell them what he is sure of. What he has found, he must share with them. What God has given him was not given him to keep, but that he might distribute it among others.

Few thoughtful American travelers pass from town to town in England, and hear, week by week, the sermons preached in the decorous pulpits of the Establishment, without saying, "These gentlemen say to these people what they would not dare say at their own dinner-tables to their guests." The position of a minister in the Establishment gives a habit, if not a right, of speaking from above to those below. It is a pity to confess it, but the sermons preached in England often give the hearer a feeling that it is supposed only common people, or poor people, or ignorant people listen to sermons. A witty traveler once described the standard of the sermons in the Establishment "to be twenty minutes in length and no depth at all." But there is something more than the lack of breadth and depth, when the preacher treats his hearer as being on a different level of intelligence from himself, and hands down to him certain

working-clothes of religion which, in his "condition of life," he will find useful, though they are not needed by his betters.

The danger for America is that the pulpit shall be degraded, even to a lower level, if the preachers do not bring and give the very best they have, know, and believe, to the people. "Preach as if you were preaching to archangels." That was an ejaculation of the late Mr. Weiss, and his obedience to his own injunction gave to his own sermons the life and the power which quicken to this day every hearer of them. Men may make other limitations to the doctrine of human equality. But we shall all concede that one man has as good a right to the truth as another. And it ought to go without saying, that truth is truth, the same in one place as another—in one pulpit as another. There is no such thing as Dutch algebra distinguished from English algebra, nor is there any such thing as Presbyterian truth as distinguished from Universalist truth. Perhaps the machinery of written creeds deceives men. Perhaps a preacher comforts himself by saying that if a man comes into a Presbyterian church it is to hear the Presbyterian doctrine, and that the hearer takes it for granted, therefore, that that pulpit will not go further than the Presbyterian standard. This will not do. It may excuse me, in conversation, from refraining to allude to the starvation in Libby Prison, that I am talking to a reconstructed rebel officer. But when I am in the pulpit it is not etiquette which is at issue. I am there to say what *is*, and I must not stop short. The whole tangle of authoritative creeds is, at the best, embarrassing. They lead a man, from their nature, to try to continue in a belief which he once thought he had. They give a fossil form to what should be pliant, elastic, and alive. But, no matter what they do elsewhere, when the preacher enters the pulpit he is free or he is nothing. He is there to say what he believes, not what he wishes to believe, or thinks it would be well to believe.

It seems, now, as if the country at large were beginning to doubt whether the pulpit does make such utterance. In one quarter and another, and this in no dainty terms, it is called half-hearted. Preachers are called cowards and insincere. This charge seems rather hard, it is true, when it falls upon the liberal pulpit. For the preachers in that pulpit to be abused on one side for their own audacity, for publishing discussions which should be still regarded as tentative, and yet to be set down on the other side as sharing the timidity of their more orthodox brethren, seems a little unjust. But their shoulders are broad enough to bear this weight

also. It is for the organs of orthodoxy to consider how far they can bear to diminish the power of the pulpit. They ought to know whether its dogmatism have any such power as to make it safe to risk the contempt of those who hear. They ought to ask themselves whether men now come to church with the eagerness with which men once came, or whether the word spoken from the pulpit now commands the sort of assent it once commanded. Nor can they satisfy themselves by citing a few exceptional instances. The question is not whether an eloquent orator here, a careful and accurate metaphysician there, a prudent and wise ethical philosopher here, and a poet there, can still bring together thousands of people in church, when they speak from the pulpit. The question is, "Does the American people, on the whole, believe that the preachers say all they know?" This is a very grave question. In proportion as orthodoxy shirks it, or as it fails to amend its ways, in that proportion will the American pulpit, so far as orthodoxy controls it, cease to be the power which it once was, and which it wishes to be.

This is a matter where young men must use power as soon as they have it to use. It is as true now as it was in Harvey's day, that men who have passed five-and-forty years must not be expected to lead reforms. Well if they follow bravely. It is to the younger preachers of the Evangelical Churches—who are old enough to have ridden themselves of boyish audacity, and who are young enough to have the courage of their convictions—that we look with confidence for the courage and decision which shall avert the most serious danger of the American pulpit. For, though we have spoken of the insincerity of the pulpit—using the word which best expresses the attitude of mind into which preachers are lured unconsciously—the world's criticism will be less tender in its choice of words. If the pulpit does not tell the truth and the whole truth, the world will charge the pulpit with infidelity.

E. E. HALE.

RECENT WORKS ON THE BRAIN AND NERVES.

Pathology of Mind. Henry Maudsley, M. D. New York: D. Appleton & Co. 1880.

The Brain as an Organ of Mind. H. Charlton Bastian, M. D. London: C. Kegan Paul & Co. 1880.

Neurasthenia; or, Exhaustion of the Brain and Spinal Cord. Stretch Dowse. London: Baillière, Tyndall & Cox. 1880.

THE nerves are the life. As the tides go up and down under the force of gravity, so the blood flows hither and thither through the organism at the order of the nerve-force.

In comparison with neurology, or the study of the nervous system in health and disease, including psychology, all other sciences seem cold and hollow and dull; the problems of the universe, so far as they are soluble by man, are locked in the cerebral cell; psychology is the one science to which the twentieth century must do homage.

The works which furnish the text for this essay are contributions of value, though not of the highest value, to neurology and psychology; they are compends, cyclopædias, combinations, adjudications, criticisms, and enlargements of what was already done by others more than additions to science. The great works of the past century have been small pamphlets, seen by few, read by scarcely any, and understood by almost none except the authors. Dr. Young, the exponent of the wave theory of light, complained that one of his important papers had a sale of but one copy; but, if all the original discoverers of the past century could speak, it would be shown that this was comparatively successful. When a subject rises to that height where it can be represented in large volumes like these, it has already lost its interest to those who wish to be in the front lines of science. These works of Maudsley and Bastian, like many people, are more interesting in their faults than in their excellences—their very defects are eloquent, instructive, and inspiring.

To one acquainted with the German nation, and the development of thought in these departments, books of this kind excite this query, Why does Germany do the original thinking for all nations? The combining and practicalizing power of the English is incomparable, and for direct ends invaluable; but for new ideas in philosophy we must all cross the ocean and the Channel; and from five to twenty-five years after a new thought has risen in Germany it is amplified and popularized in England and America, where it finds world-encircling audiences.

The style of Maudsley is graceful, scholarly, and easy, and his arrangement is practical, accessible, and useful; so that, take it for a whole, this is the best work in any tongue on the general topic of insanity; but its defects are so important, and are impressed by so many repetitions, and in such varieties of forms, that they become the most valuable portion of the treatise. The chapter on "Trance," which he describes under the unscientific title "Hypnotism, Somnambulism, and Allied States," is an advance beyond the libraries of non-expert tiresome and humiliating writings on this subject, but far, very far, behind our already attained knowledge; everywhere throughout this chapter the subject, not the author, is master. This work has no definition of insanity, which has been one of the imperative needs of psychology. The author has also omitted to study the comparative insanity of savage, barbarous, semi-civilized, enlightened, and highly cultivated people, without which all our reasonings on the causation of insanity are as imaginary and uncertain as the metaphysical reviews of our distant fathers.

Standing on the shore, which the tide is swiftly approaching, a little child may justly fear that the ocean is about to engulf the land; to the mind of the timid, the philanthropic and those ill versed in evolution, the recent rise of the tide of cerebral diseases, pouring upon us in rapidly succeeding waves, might inspire a fear lest all our civilization would become deranged. But disease and health, like the flowing and reflux of the waters, are servants of law; and the forces that now are filling the asylums and institutions of Great Britain and America may yet be antagonized by higher forces that shall neutralize or subjugate them.

As I was walking the other day through the collection of flowers at the exhibition of the Horticultural Society, I noticed that the crowd gathered chiefly about the stand devoted to geraniums, and one professing to be skilled in modern flora remarked that the special center of interest was a double white geranium which had

only been developed, in this country at least, within the past ten or fifteen years ; that it was one of the latest phases in evolution of flowers. Similarly, new and unthought-of phases in insanity have been arising, and are yet arising, with the expansion of our civilization ; general paresis as a type, so well described by Maudsley, is a modern disease—a nineteenth-century disease. The last half-century, indeed, has brought to the surface a larger number of new diseases of the nervous system, including insanity, than all previous centuries of human history ; but this black feature is illumined by this pleasing fact, that in no period has there been such practical and satisfactory advance in the relief and cure of some of these same diseases as during this past half-century ; science follows closely on the heels of disease, but is farther behind insanity than any other : we seem to do less for the chronic insane now than fifty years ago, and diseases of the mind seem more and more relapsable ; hidden, treacherous, recurring forms of disease are springing up everywhere, to the confounding both of science and of law.

Animal as well as human brain has been over-estimated ; a good work on the limitations of the brain, showing how feeble an organ it is, against the dicta of Shakespeare and all the delusions of psychology, would give a new current of thought for all time. Dr. Lindsay overpraises our pets. The need of the hour is a work on the stupidity of animals, showing how little they know or are organized for knowing ; how sadly they miss their noble opportunities for culture ; how low and capricious their ambitions ; how stolidly content and conceited they are in their ignorance and non-expertness, how barren all their unhelped attempts at improvement ; how easily they are cheated and trapped by their own instincts, and then become at once the game, the servant, the food, and the philosophic wonder of man. It is because young and growing and opening minds are so little studied that the truths of psychology have so slight and uncertain a hold on society ; the demonstrably true perishes or is forgotten, while the demonstrably false is renewed day by day.

Except we begin with little children we can not enter into the inner secrets of psychology. The study of the young has these two advantages over the study of mind in the lower animals. First of all, the young of human beings are the most helpless of animals, and their helplessness is prolonged. Secondly, articulate speech makes it possible for us to communicate with them, and thus trace their psychological phenomena. The psychological analysis of a

single child is worth more than that of a whole menagerie : he who knows well the mind of a little boy or girl is already an expert in psychology. The most interesting as well as the most difficult of all explorations is to watch, to wait upon, and to guide the mental development of a little child between the ages of three and ten years ; and a study of this sort, expertly planned and administered, will add a new continent to psychology. The study of animals leaves us doubtful, dubious, foggy, uncertain, suspicious that more of error than of fact has fallen into our results ; with a being that can not talk, verification of conclusions or elucidation of them is hard or impossible.

I suspect that if the gift of speech were suddenly bestowed on the animal world, they would inveigh with eloquence and humor against much that has been proclaimed in favor of their intelligence.

Since Darwin's day men are going wild over the lower animals, by a manifold over-estimation of their force, their usefulness, their goodness, and are narrowing, far more than the science of the future will sustain, the vague border-land between them and the higher forms of evolution that for convenience' sake we call man.

Animals are the strongest in their moral nature—they are more good than great. In the volumes of Lindsay, and in the multitudinous gathering of floating anecdotes, we find proofs of virtue more than proofs of intellect ; sympathy, charity, tenderness, affection, love, concentration of enthusiasm, obedience, honesty—these qualities abound in the animal world, in the lower as well as in the higher animals ; but in the lower animals manifestations of the development of mind that we call intellect are hard to find, and when they exist are often submerged in emotion and arrogance. To one thinker we shall find philanthropists by thousands and thousands of thousands ; all men have some virtues, some have many virtues, but scarcely any men have ideas ; not only the power of originating, but the power of comprehension of truth, is so rare that it might almost be denied that it is a human characteristic ; many countries for many ages have been without lovers of, or seekers for, great generalization ; and there have been centuries and æons when no country was there one organized movement of ideas—a whole planet without a thinker.

The world in which we crawl is one that has no sound guide—knows of no pathway that leads to the truth in the great problems ; a man reasoning rightly as to the higher questions has yet to be evolved—all human philosophy is but a circle of non-expertness ;

the universe is as a wheel, in which the science of the demonstrably true is but a little hub ; while the false and the undemonstrable extend toward an infinite periphery. Not ideas, not truth, not verity, not reason, not the demonstrable, but the indemonstrable, and the demonstrably false, have ruled and are destined to rule all the higher as well as the lower animals.

The need of the age is to study the limitations of the human brain—to analyze and organize its weaknesses, its blunders, and its diseases.

On the relation of mind to brain, to which Bastian's work is devoted, pages by the million have been written, few of which are worth the reading. If we ever know of the relation of mind to brain, that knowledge will probably be put in a pamphlet of fifty pages or less. A large work on this subject, in our present science, is its own condemnation ; it is ignorance, incompetence, partialness, one-sidedness, to require bulk for expression ; the most precious truths, like the most precious metals, are in small space. The mistake of Bastian, and the mistake of all the writers whom he quotes, and the many more whom he does not quote, is that they strive to settle the problem of the relation of mind to brain by induction instead of deduction ; experiments on animals, however clearly or successfully made, observations of disease before or after death, the study of comparative psychology in children and in men, anatomical research both coarse and minute, all united can no more elucidate the theory of mind than looking at the stars can explain the law of gravity. It is only mean and minor truths that are directly revealed to the senses—the highest and noblest advances in the vitalized knowledge of men have been made along the line not of inductive but of deductive reasoning—deductions being constructed out of previous inductions, and he who trusts to his eyes and ears will die a non-expert. All the supreme facts and forces of nature are too light, delicate, subtle, and ethereal to come within the compass of the senses. If we can see, or hear, or touch, or taste, or feel anything, we may know that it is of little worth. A general theory of the relation of mind to brain which shall unify all the phenomena of mind, and all the known or to be known facts of anatomy and physiology, will, doubtless, be in time presented ; but it will be originated by a philosopher with his eyes closed, and will be recorded in such few words that it can be read, even if not mastered, in half an hour ; and with the rise of such a theory the popular libraries of psychology will retreat and be forgotten. The

researches of phrenology, the experiments of Hitzig and Ferrier have but given us facts which the true theory of mind must confront and harmonize ; but they all leave the problem of mind where they found it. It is when men are searching for the truth without reaching it that they talk most actively—when they have found it they are silent ; the existence of a great literature on any theme of science is a proof that philosophers in that sphere have not yet arrived at the journey's end.

A defect in these works, which belongs to all writings on these subjects during these hundreds of years, is the slavery to the delusion in the belief in what is called the will. With the extension of systematized researches in psychology, and the general increase of courage and refinement in those who think, and, above all, with the birth and adolescence and maturing of the scientific sense, this delusion of the will is insensibly, unconsciously, and illogically dying out of our civilization ; but, even now, it is sufficiently alive to vitiate and make ludicrous, if not to paralyze, all our literature of psychology. The belief that there is a will, a volition, a force outside of or independent of the brain or the mind, a separate, distinct, special, isolated faculty or aggregation of faculties, is as baseless as witchcraft, astrology, alchemy, and spiritualism, and is as universal among philosophers and among the people as were all these delusions in the fourteenth century. When we define the will to be the coördinated action of all the faculties, we have given a definition that is clear and verifiable, and one that harmonizes all the phenomena that have for thousands of years been referred to that supposed faculty ; and we have also given a definition which the philosophers of the twentieth and thirtieth centuries may regard as a basis for reason. Just as the true theory of trance dissipates the world-long delusions that have been intrenched behind the phenomena of trance, just as the theory of gravity dispelled the superstitions of the sky, so the theory of the nature of volition dispenses with half our metaphysics and philosophies.

These works of Bastian and Maudsley, like all writings that skirt the borders of philosophy, show a deficient appreciation of the nature and the limitations of deductive reasoning. In this defect the whole world, scholarly and unscholarly, the masses and the teachers, share, and, under great public excitement, grotesquely manifest it. The Tanner fast—the chief interest of which is psychological—has brought to public view myriads of bad reasonings, all of which are useful as impressing the need of a reconstruction

of our logic. Deduction is knowledge beforehand ; induction is knowledge afterhand. Science does not know, although individuals fancy they know, how long human beings can live on water alone, in voluntary and easy abstinence from food. The question is one wholly of induction—of knowledge afterhand for the case under which the experiment is made ; and the present is the first systematic attempt at an experiment of this kind ever organized. To attempt to decide beforehand how long or how successfully one can live under such conditions is to commit an error in reasoning ; to use deduction where only induction is available.

Of the authors here under review, Bastian seems to know nothing of deductive reasoning ; and, where induction or knowledge afterhand fails, he becomes as a little child. A thorough master of deductive reasoning—the rarest of all Nature's evolutions—would never have written the majority of the chapters of this work ; would never have essayed, as he has elsewhere done, to establish the doctrine of spontaneous generation, a doctrine which, if true, is and must for ever remain as far outside of human demonstration as the existence of a supernatural universe.

The little work of Dr. Dowse on "*Neurasthenia*" (nervous exhaustion) is a fragment, but noteworthy as the first attempt at a scientific treatise on that subject in Great Britain. Our knowledge of this most important and interesting department of science is not extended greatly by this treatise ; but these three merits impress us at once : 1. That the author has, in general, a correct philosophy of the subject, a compliment that can not be given to most of the writers on the several branches of this theme ; 2. That he confesses that he adopted the term only after overcoming educated prejudices against it, he having been brought up, as all physicians have, in the school of the demonstrably false on functional nervous diseases ; 3. Like Professor Erb, of Leipsic, who introduced this subject to Germany, as Dr. Dowse introduced it to England, he gives full and fair credit to the one who organized neurasthenia, vitalized it, made it live and begin to grow.

These works are all English, and, like all English treatises of this class, suggest to us on nearly every line these two psychological phenomena : First, the intellectual cowardice of English-speaking people everywhere. Under all suns, in every continent, beneath every phase of government, in every realm of thought, those who call themselves Anglo-Saxons, who have the physical courage of

the lower animals and the moral heroism of saints, are timid and feminine in the presence of ideas.

Maudsley is to be counted among the most heroic of Englishmen, since his work in the first edition was, in this country, pointed out with warning, as a steamer loaded with dynamite, and in his own country made more antagonists than followers; and yet its philosophy was of German birth, and long since had there attained a certain maturity, strength, recognition, and admission to psychological fellowship. England and America tremble at truths so old that Germany has forgotten when they were born.

Lastly, these works suggest the need of less expression and more repression in scientific as well as in all other literature of England and America. The friends of truth may well have a concert of prayer for the reappearance of a tyrant among us, since the very greatest of the world's few great contributions to literature and science, as well as art, have been made not under the patronage of liberty, but under the eyes of kings and beneath the shadows of despotism. Liberty, by tempting the cerebral forces to easy discharge, is the cruelest enemy of ideas. The face that is daily shaved never develops a full beard; the woodland constantly cut over always remains a scrub; only by damming a stream can we get its full reserved power; even a fruit-tree has its non-bearing year; and the first works of modern writers are oftentimes their best—for this cause they are so long in finding a publisher. Let some tyrant command silence for even a decade, and a Newton in biology might arise. Intellectual courage is a measure and companion of original force, and, when those who speak our language shall attain that liberty of thought that despotic Germany has so long enjoyed, our scientific discoverers shall cease to apologize to the non-experts they have vanquished and the delusions they have destroyed.

GEORGE M. BEARD.

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THE DEMOCRATIC PARTY JUDGED BY ITS HISTORY.

THE time is far distant when the people of this country can be persuaded to judge a political party by its platform and professions, without reference to its practices and history. Having been taught this lesson in the severe school of experience, the Democratic party is now earnestly striving to unload its history; to cast off its old and bad character. Unfortunately, it makes no satisfactory effort to substitute, in place of the old one, a new history which will be beneficial to the country or creditable to itself, or to build up such a new character as can only be done by a complete change of conduct.

The Democratic party of to-day is substantially the Democratic party of 1860. It had a solid South then; it has a solid South now. It rallied around its banners then the great mass of the dangerous classes in the large cities; it rallies them still. The draft-rioters of 1863 in the city of New York were Democrats; those who survive are still Democrats. The Democratic party in 1860 counted for its success upon the States of New York, New Jersey, Connecticut, and Indiana, to add to its solid South; it counts upon those States still.

In 1860 it asserted the sovereignty of the States, and denied the right of coercion; in 1880 it, to all intents and purposes, announces

the same doctrine in its denial of the authority of the General Government to enforce its laws, even after their constitutional validity has been affirmed by the Supreme Court of the United States.

Time has made ravages in its ranks, but nevertheless its membership is practically the same to-day as in 1860. Toombs, Jefferson Davis, Hampton, Hill, Gordon, and Lamar, were among the leaders of the Democratic party South in 1860; they are to-day. Hancock, Seymour, Bayard, English, Thurman, and Ben Butler were among the leaders of the Democratic party North in 1860; and they are so still. The rank and file remain substantially the same. Occasionally a new recruit wanders in from the Republican party; but, in the main, the places made vacant by decease or casualties are made good by immigration and by the natural increase of population in the quarters where Democratic majorities are usually found.

In 1856 the Democratic party declared that "Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a centralized money power and above the laws and the will of the people." It affirms this doctrine in 1880, for its platform asserts, "We pledge ourselves anew to the constitutional doctrines and traditions of the Democratic party."

In its platform of 1856 it resolves: "That the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798, and in the report of Mr. Madison to the Virginia Legislature in 1799; that it adopts those principles, as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import." Having pledged itself anew to its constitutional doctrines and traditions, the conclusion is inevitable that the Democratic party of to-day is as thoroughly committed to the doctrines of "State sovereignty" as it has ever been. Endorsing those doctrines in 1856, as "constituting one of the main foundations of its political creed," and resolving to "carry them out in their obvious meaning and import," it renews that pledge in 1880. In 1860 both branches of the Democratic party reaffirmed the platform of 1856.

In 1864 it resolved, "That, in the future, as in the past, we will adhere with unswerving fidelity to the Union under the Constitu-

tion." It also more specifically sets forth its doctrines and purposes in the resolution declaring "That the aim and object of the Democratic party is to preserve the Federal Union and the rights of the States unimpaired."

Making practical application of its doctrines, it resolved "That this Convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity or war-power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities with a view to the ultimate convention of the States, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States."

It will not escape observation that, in its platform of 1864, the Democratic party was entirely silent as to the right of the Government to prosecute the war for its own preservation. It reaffirmed the State-sovereignty ideas of its previous platforms ; it denounced the measures which the Government employed for the suppression of rebellion ; it declared the war an "experiment," and that experiment a "failure" ; it demanded a cessation of hostilities and a restoration of peace on a basis consistent with its old doctrines. Unchanged in spirit and policy, the Democratic party in 1880 pledges itself anew to its "constitutional doctrines and traditions."

The courage, patriotism, and endurance of the people answered the Democratic platform of 1864, crushed the rebellion, and defeated its armies. The war was not a failure. The work of reconstruction followed, and, looking to peace and security for the future, the loyal masses determined that the Union should be restored upon a basis that would secure to all its citizens perfect equality of political privileges and immunities; an unmistakable denial of the Democratic doctrine of State sovereignty, a denial of the right of secession, and the extirpation of slavery.

True to its history and to its "constitutional doctrines and traditions," the Democratic party opposed this method of reconstruction. It demanded in the platform for 1868 "Immediate restoration of all the States to their rights in the Union under the Constitution, and of civil government to the American people."

It emphasized its general demand by specific denunciations and declarations. It resolved that any attempt by Congress to interfere with any State in regulating the suffrage of its citizens "is a flagrant usurpation of power which can find no warrant in the Constitution, . . . and that we regard the reconstruction acts (so called) of Congress, as such, as usurpations, and unconstitutional, revolutionary, and void."

It indulged in the most gloomy forebodings as to the future if the reconstruction policy were pursued, and, speaking of Congress, held this solemn language: "Under its repeated assaults, the pillars of the government are rocking on their base, and, should it succeed in November next and inaugurate its President, we will meet as a subjected and conquered people amid the ruins of liberty and the scattered fragments of the Constitution."

It concluded its declarations, denunciations, and resolutions concerning the aggressive measures of Congress and its dismal lamentations over the frightful calamities impending in the future by an unqualified endorsement of Andrew Johnson in these words: "That the President of the United States, Andrew Johnson, in exercising the power of his high office in resisting the aggressions of Congress upon the constitutional rights of the States and the people, is entitled to the gratitude of the whole American people, and in behalf of the Democratic party we tender him our thanks for his efforts in that regard."

To all these doctrines the Democratic party has in the year 1880 pledged itself anew with especial emphasis, for it has placed at the head of its ticket one who was in full sympathy with that platform; who so expressed himself at the time of its adoption by the Democratic Convention; who helped to make up the history out of which the platform itself was constructed; who in New Orleans assisted Andrew Johnson in resisting the "aggressions of Congress"; who attempted to nullify the reconstruction measures, which this platform denounced as usurpations, unconstitutional, revolutionary, and void; who, in furtherance of that scheme, revoked the policy of General Sheridan; who left the field of duty, to which he had been assigned by Andrew Johnson, in disgust, because General Grant stood behind him and revoked him and his policy; who endeavored to restore rebel civil authorities in a State in which Congress declared "no legal State government or adequate protection for life or property" then existed; and who in most vehement language denounced any one who assumed that he did not thoroughly

concur in and endorse this platform, upon which he (General Winfield Scott Hancock) declared that he unqualifiedly stood.

These declarations of principles, thus from time to time made by the Democratic party, are emphasized by the action of that party in Congress upon all measures looking to the reconstruction of the Union upon a solid and just foundation. That party opposed the fourteenth constitutional amendment; for in the vote upon that amendment in the Senate every Democrat voted nay, and in the House the negative vote was a solid Democratic one. The reconstruction acts were opposed by the Democratic party by a solid party vote. It also opposed the fifteenth constitutional amendment. The vote stood—in the Senate, yeas thirty-nine, all Republicans; nays, thirteen, all Democrats, including James R. Doolittle: in the House, nays forty-four, all Democrats.

These amendments having been adopted, it steadily and solidly opposed all legislation looking to their enforcement. The enforcement bill passed the Senate May, 1870, encountering there a solid Democratic opposition, and also a solid Democratic opposition in the House. It has repeatedly refused to affirm the validity of the fourteenth and fifteenth constitutional amendments. This steady and persistent opposition to those great measures has extended to the States. The Democratic Legislatures of the States of New York and Indiana withdrew the previous ratification by preceding Republican Legislatures of those amendments. In 1871 a resolution reciting the action of the Indiana Democratic Legislature, and reaffirming the validity of those amendments, encountered in the House a negative vote of seventy-six, all Democrats, and that party also opposed by a solid vote the Ku-klux and amendatory enforcement acts.

In 1872 but four Democrats could be found in the House to vote for a resolution ratifying the validity of those amendments. In 1875 it opposed by a solid party vote in the House and in the Senate the supplementary civil rights bill; and in National Convention assembled in 1880 it declares, "We pledge ourselves anew to the constitutional doctrines and traditions of the Democratic party as illustrated by the teaching and example of a long line of Democratic patriots and statesmen."

On these great questions the Democratic party is, from its history, doctrines, and traditions, shown to have been, and to be, reactionary and revolutionary.

Denouncing the reconstruction measures in 1868 as usurpations, revolutionary, unconstitutional, and void, and renewing its pledge

to its former doctrines and traditions in 1880, it is fair to assume that, if the opportunity presented by an enlargement of the Supreme Court to have that doctrine judicially declared unconstitutional, the Democratic party would avail itself of such an opportunity, and wreck not only those reconstruction measures, but the constitutional amendments which have their foundation upon them. This is no merely imaginary peril; we are abundantly forewarned. The havoc which would come from the successful carrying out of Democratic doctrines and traditions, involving all business interests, all legitimate enterprises in ruin, is too obvious to require comment. In 1872, made wiser by long-continued defeats, the Democratic party undertook to conceal its heretical notions of State sovereignty under the jingling phraseology of home rule and local self-government. Repudiated in 1872 and again in 1876, in its platform in 1880 it is content to declare in general terms, "Opposition to centralizationism and to that dangerous spirit of encroachment which tend to consolidate the powers of all the departments in one, and thus to create, whatever be the form of government, a real despotism"; and again, by its third plank, for "home rule." These are merely different coverings for the same idea, and taken in connection with a solid South—a South made solid by midnight raids, by a system of terrorism which drives all opposition from the polls, or by a fraudulent count which rifles the ballot-box after the vote is deposited—leave no room to doubt that the Democratic party of today is as dangerous in spirit and purpose to the best interests of the country as it has ever been.

Its record on financial questions has been continuously bad. I have noted the fact that in 1856 it declared against a national bank and denied the power of Congress to charter one. I may add that during the war it opposed all schemes for the creation of the national currency—the greenback and the national-bank note; that in Congress it denounced both as unconstitutional; that it has been a constant menace to the public credit; and that at the first opportunity which presented after the close of the war, in its National Convention in 1868, it demanded a line of policy which, had it been pursued, would have involved the country in the crime and covered it with the shame of repudiation. It demanded the payment of the public debt of the United States as rapidly as practicable, and yet declared, "Where the obligations of the Government do not expressly state upon their face, or the law made under which they were issued does not provide they shall be paid in coin, they ought

in right and justice to be paid in the lawful money of the United States," thus demanding the payment of the national debt in greenbacks. It also demanded equal "taxation of every species of property according to its real value, including Government bonds and other public securities." Upon this issue it went before the people in 1868 and was defeated; and this suicidal and dishonest doctrine received the hearty and unqualified endorsement and approval of their present candidate for President, General Winfield Scott Hancock.

In 1876 Mr. Tilden took charge of the "literary remains" of the Democratic party, and manufactured a platform which could be made available at the North, embodying in it some sound financial views, but denouncing the Republican party as being guilty of impeding resumption. The rank and file of the party understood the purpose of the platform perfectly well, and were not deceived or misled by it, and, in various States in which their State Conventions were held after their national platform had been adopted, they demanded the immediate repeal of the resumption act. The doctrines of the party on financial questions should be sought in the action of the representatives of that party on those questions in Congress.

In 1869 the public credit bill was opposed in Congress by the nearly solid vote of the Democratic party. In January, 1876, the bill to repeal the resumption act received one hundred and twelve votes, all Democrats but one. In June, 1876, as a rider to the civil appropriation bill, an amendment repealing the resumption act received solid Democratic support. Evidently the party had not been converted by its platform. In August, 1876, a measure to repeal the fixing of the time for resumption received in the House one hundred and six votes, all Democrats but three. And as late as 1878, in very many States, Democratic Conventions demanded the immediate repeal of the resumption act.

These are the doctrines of the party, not merely as declared by its representatives, but as crystallized into action; and in 1880 the party, in National Convention assembled, declares: "We pledge ourselves anew to the constitutional doctrines and traditions of the Democratic party as illustrated by the teaching and example of a long line of Democratic statesmen and patriots."

It makes in its platform of 1880 high-sounding pretensions of reform, and claims to have reduced the public expenditures forty millions of dollars per year. But the methods by which this pre-

tended reduction of expenditures has been effected are, when properly considered, gross extravagances. It has reduced the army and cut down the pay of its officers ; it has refused to make appropriations for the payment of judgments against the United States—thus making no real reduction in expenditures, for these judgments must ultimately be paid ; it has refused to make appropriations for the payment of the expenses of our Federal courts, thus in very many districts throughout the country reducing us to the necessity of adjourning courts from time to time, because no means have been furnished to pay juries or defray the ordinary court expenses ; it has refused to make appropriations to finish uncompleted public buildings, thus in the long run increasing the expenditures rather than diminishing them ; it has cut down the service in the Department of the Interior, and other departments, to such an extent that business in the Patent-Office and in the Pension Bureau is greatly in arrears ; it has refused to make adequate appropriation for the revenue-cutter service ; it has refused to make adequate appropriations for the repair and protection of navy-yards, stations, armories, and arsenals ; it has refused to make adequate appropriations for lighthouses, beacons, and fog-stations. These were not wise and economical reductions of public expenditures ; they were wasteful and demagogical extravagances. In the mean time the volume of Southern claims for losses during the war has multiplied, and the demands made by the South for appropriations for the improvement of their rivers, and for other purposes, are becoming more and more vehement.

Their platform calls for a free ballot, and General Hancock asserts that “neither fraud nor force must be allowed to subvert the rights of the people” ; that “the bayonet is not a fit instrument for collecting the votes of freemen” ; and that “it is only by a full vote, free ballot, and fair count that the people can rule in fact, as required by the theory of our Government.” This is certainly sound doctrine, but he should apply it to his own party—the party of which he is to-day the head and representative. There is no free ballot in the South, from which he confidently expects 138 electoral votes.

In 1872 the Republican vote of Alabama was 90,272 ; in 1878 it was nothing. In 1872 the Republican vote of Arkansas was 41,373 ; in 1878 it was 115. In 1872 the Republican vote of Mississippi was 82,175 ; in 1878 it was 1,168. These enormous reductions of the Republican vote can not be attributed to the conversion of Republicans through the agency of Mr. Tilden’s Literary Bureau, or by le-

gitimate methods. That vote was reduced by terrorism, by violence, by fraud. The Democratic majority in the State of Alabama, in the election recently held there, is returned at 92,000 ; but this, all concede, is larger than the entire Democratic vote of the State. Surely, in the language of General Hancock, "it is only by a full vote, free ballot, and fair count that the people can rule in fact." But here are instances where upon one side there is no vote ; where upon one side the ballot is fettered ; where upon one side the ballot is not counted at all. Ordinarily the bayonet is not a fit instrument for collecting the votes of freemen, but the constitutional amendments guarantee this free vote, and provide that Congress shall enforce the provisions of those articles by appropriate legislation. If the ballot can be gathered in no other way than by the bayonet, I know of no better use to which the bayonet can be devoted. And, if the ballot-box is surrounded by men organized and armed to prevent the casting of the ballot, the bayonet will be employed for a very lofty purpose if used to prick those armed men into a proper appreciation of the fact that the national guarantee of the free ballot must be respected and must be obeyed.

So far as the industrial interests of the country are concerned, the Democratic platform of 1880 voices the long-known and well-understood ideas of the party. It hates protection, it has always opposed it, and in its present platform it speaks unqualifiedly for a tariff for *revenue only*. That General Hancock is in full accord with this doctrine of the party is evident from his letter of acceptance, for he says, "The principles enumerated by the Convention are those I have cherished in the past, and shall endeavor to maintain in the future." The Democratic Convention enumerated its principles, and under the fourth enumeration is found the doctrine of a tariff for *revenue only*. General Hancock declares that this principle he has "cherished in the past," and further avers that he will "endeavor to maintain it in the future."

The position of General Garfield upon this question is outspoken, clear, and unmistakable. From 1866 down to the present time he has been a steady and intelligent friend of protection to American industries. He has exhibited this friendship to this great interest not merely by his speeches, but by his votes. He joined with other Republican members of the Committee of Ways and Means in a minority report opposing Mr. Wood's tariff bill, and his votes during the last session of Congress have always been found on that committee in harmony with his position.

General Hancock declares in his letter of acceptance that the constitutional amendments are inviolable, but he will hardly undertake to declare that he would veto any measure which a Democratic majority might pass for the enlargement of the Supreme Court, or that he would veto any measure which the same party might pass repealing the laws now on the statute-book for the enforcement of those amendments. With the Supreme Court thus enlarged and those statutes repealed, the constitutional amendments would be (as every one knows) nullities. Declaring himself to be in favor of a free ballot, he must be quite well aware that his party in Congress has repeatedly sought the repeal of the election laws, by which alone can anything approximating a free ballot and a fair count be secured in our great cities in the North, through which alone can the perpetration of gross frauds in the ballot-box in the great Northern cities be prevented. The solid South does not desire the repeal of those election laws for its own purposes — the shot-gun, the midnight raid, and the fraudulent count have sufficiently nullified those laws there. Their repeal is demanded, however, by the Democratic party, in order that the States of New York, New Jersey, and Connecticut may be added to the solid South. And surely General Hancock will not undertake to say that, in the event of his election, should those statutes be repealed, he will veto such repealing measures. But without such veto we should have neither a free ballot nor a fair count.

In view of the history of the Democratic party, which I have thus hurriedly traced, drawing it from its platforms and its votes in Congress, it is not at all strange that it should be most anxious to be rid of it, but a people who have suffered so much from that history will not forget it. With this history behind it, with no honest effort to reverse its policy, which in the past has been so dangerous, the Democratic party, failing to furnish any additional reasons for an increase of public confidence in it or in its policy, demands that the public confidence, so long withheld, shall be restored to it.

Standing in the midst of an unrivaled prosperity, due in a great measure to an honest administration of public affairs, which the Democratic party has steadily opposed, occupying a position where all business and industrial interests are solidly thriving, the people of this country desire no change which would reverse the policy that has led us up to these magnificent results.

EMERY A. STORRS.

THE SUCCESS OF THE ELECTRIC LIGHT.

Not a little impatience has been manifested by the public at the seemingly unaccountable tardiness with which the work of introducing the "carbon-loop" electric lamp into general use has hitherto progressed. It is now several months since the announcement was made through the newspapers that all the obstacles in the way of the utilization of the electric light as a convenient and economical substitute for gaslight had been removed: that a method had been invented by which electricity for light or for power could be conveyed to considerable distances economically; that the current could be subdivided almost *ad infinitum*; and that the electric lamp was henceforth to be as manageable for household purposes as a gas-jet. But, so far as the public can see, the project has since that time made no appreciable advance toward realization. The newspapers have reported, on the whole with a very fair degree of accuracy, the results of the experiments made with this system of lighting at Menlo Park; scientific experts have published their judgments, some of them pronouncing this system to be the desiderated practical solution of the problem of electrical lighting which has vexed the minds of physicists since the day when Sir Humphry Davy produced his famous five-inch voltaic arc. Still it must be confessed that hitherto the "weight of scientific opinion" has inclined decidedly toward declaring the system a failure, an impracticability, and based on fallacies. It will not be deemed discourteous if we remind these critics that scientific men of equal eminence pronounced ocean steam-navigation, submarine telegraphy, and duplex telegraphy, impossibilities down to the day when they were demonstrated to be facts. Under the circumstances, it was very natural that the unscientific public should begin to ask whether they had not been imposed upon by the inventor himself, or hoaxed by unscrupulous newspaper reporters.

Now, the fact is, that this system of electrical lighting was from the first all that it was originally claimed to be, namely, a practical solution of the problem of adapting the electric light to domestic uses and of making it an economical substitute for gaslight. The delays which have occurred to defer its general introduction are chargeable, not to any defects since discovered in the original theory of the system or in its practical working, but to the enormous mass of details which have to be mastered before the system can go into operation on a large scale, and on a commercial basis as a rival of the existing system of lighting by gas.

With the lamp and generator which at the time of the first announcement it was proposed to use, the electric light could have been made available for all illuminating purposes as gas is now; the expense would have been considerably less with the electric light; the lamp would have been quite as manageable as a gas-burner. But, fortunately, the unavoidable delay interposed by administrative and economic considerations afforded opportunity for further research and experiment, and the result has been to introduce many essential modifications at both ends of the system—both in the generator and in the lamp; at the same time sundry important changes, all in the direction of economy and simplification, have been made at almost every point in the system, as well as in the details of manufacturing the apparatus.

As for the lamp, it has been completely transformed. The external form of the two types of lamp is identical; the principle of illumination—incandescence of a solid body *in vacuo*—is also the same; but, in the earlier lamp, light was produced by the incandescence of a platinum wire wound on a spool of zircon; in the perfected lamp the source of light is incandescent carbon. Another essential difference between the two is found in the form given to the incandescent body: in the platinum lamp it was coiled compactly on a small spool; in the carbon lamp it is a loop some five inches in total length. This incandescent loop is found in practice to afford a better light for domestic purposes than an incandescent mass of compact form: the shadows it casts are not so sharply defined, their edges being softened.

This loop of carbon is now prepared from the fiber of a cultivated species of bamboo from Japan. A thread of this material, after undergoing a certain chemical process, is bent into the required shape, and then reduced to carbon. The resulting carbon loop is of a remarkably homogeneous structure, and possessed of a high degree

of tenacity, so that it can withstand, without breaking, all the concussions it is likely to be subjected to in household use.

The perfected lamp consists of an oval bulb of glass about five inches in height, pointed at one end, and with a short stem three quarters of an inch in diameter at the other. Two wires of platinum enter the bulb through this stem, supporting the loop or Π -shaped thread of carbon, which is about two inches in height. The stem is hermetically sealed after the introduction of the carbon loop. At its pointed end the bulb terminates in an open tube through which the air in the bulb is exhausted by means of a mercury-pump till not over one millionth part remains; the tube is then closed. The outer extremities of the two platinum wires are connected with the wires of an electric circuit, and at the base of the lamp is a screw by which the circuit is made or broken at pleasure. When the circuit is made, the resistance offered to the passage of the electric current by the carbon causes the loop to acquire a high temperature and to become incandescent; but, as this takes place in a vacuum, the carbon is not consumed. The "life" of a carbon loop through which a current is passed continuously varies from seven hundred and fifty to nine hundred hours. With an intermitted current, the loop has an equal duration of life; and, as the average time an artificial light is used is five hours per day, it follows that one lamp will last about six months. Each lamp costs about fifty cents, and when one fails another may easily be substituted for it.

The light is designed to serve precisely the same purposes in domestic use as gaslights. It requires no shade, no screen of ground glass, to modify its intensity, but can be gazed at without dazzling the eyes. The amount of light is equal to that given by the gas-jets in common use; but the light is steadier, and consequently less trying to the eyes. It is also a purer light than gas, being white, while gaslight is yellow. Further, the electric lamp does not vitiate the surrounding atmosphere by consuming its oxygen, as gaslights do, and discharging into it the products of combustion. The heat emitted by the lamp is found to be only one fifteenth of that emitted by a gaslight of equal illuminating power: the glass bulb remains cool enough to be handled. Of course, there are here no poisonous or inflammable gases to escape, and the danger of fire is reduced to *nil*, with a consequent reduction of the rate of insurance. Again, this light, unlike gas, is always of uniform quality. A sort of meter registers exactly the amount

of electricity consumed in each house. Finally, not to enumerate all the advantages which this system possesses over gas-lighting, the lamp can be manipulated even by the most inexperienced domestic servant; nor can the most careless person do injury to himself, to others, or to property, through not understanding its mechanism.

Another important modification of the system, introduced since the latest authorized account of the light was published, is the substitution of dynamo-machines for magneto-machines in the stations from which the electricity is to be supplied to the several districts of a city. Here, again, the change is entirely in the direction of simplicity and economy. Where before it was proposed to furnish a station with one hundred magneto-machines with a multiplicity of belts and shafting, we now make ten dynamos of 120-horse power, each worked directly by a 120-horse-power engine. We thus do away with a very considerable loss of power, and at the same time the outlay for machinery is very much lessened.

With these and other modifications of the system, which need not be particularized here, it may be safely affirmed that the limit of economy, simplicity, and practicability has been reached. The time for experiment has passed; any further improvements to be made in the system must be suggested by its performance when put to the test of actual use on a large scale.

To the question which is so often asked, When will a public demonstration of the working of this system be made? we would reply that such a demonstration will in all probability be made at Menlo Park within two months from this date. The time which has elapsed since the preliminary demonstration of last January has been by no means a season of inaction for the promoters of this enterprise. There is a vast gulf between the most successful laboratory experiment possible and the actualization of the results of that experiment in a commercial sense. A prodigious amount of work was necessitated by the establishment of factories for producing the lamps, the generators, and the other essential parts of the system in large quantities, so as to be able to supply the first demand. We were about to enter a field that was practically unexplored, and, even on a preliminary survey, problems of the most complex kind arose on every side. These had to be solved before the first step could be taken toward the actual introduction of the light into our cities as a substitute for gas. The practical engineer and the man of business can best appreciate the difficulties that had to

be overcome. Like difficulties have in the past retarded the general introduction of nearly all the great mechanical and chemical inventions. Years intervened between the discovery of photography and the taking of the first photograph; the steam-engine, the steamboat, the locomotive-engine, did not come till long years after the discovery of their scientific principles; the same is true of the telegraph.

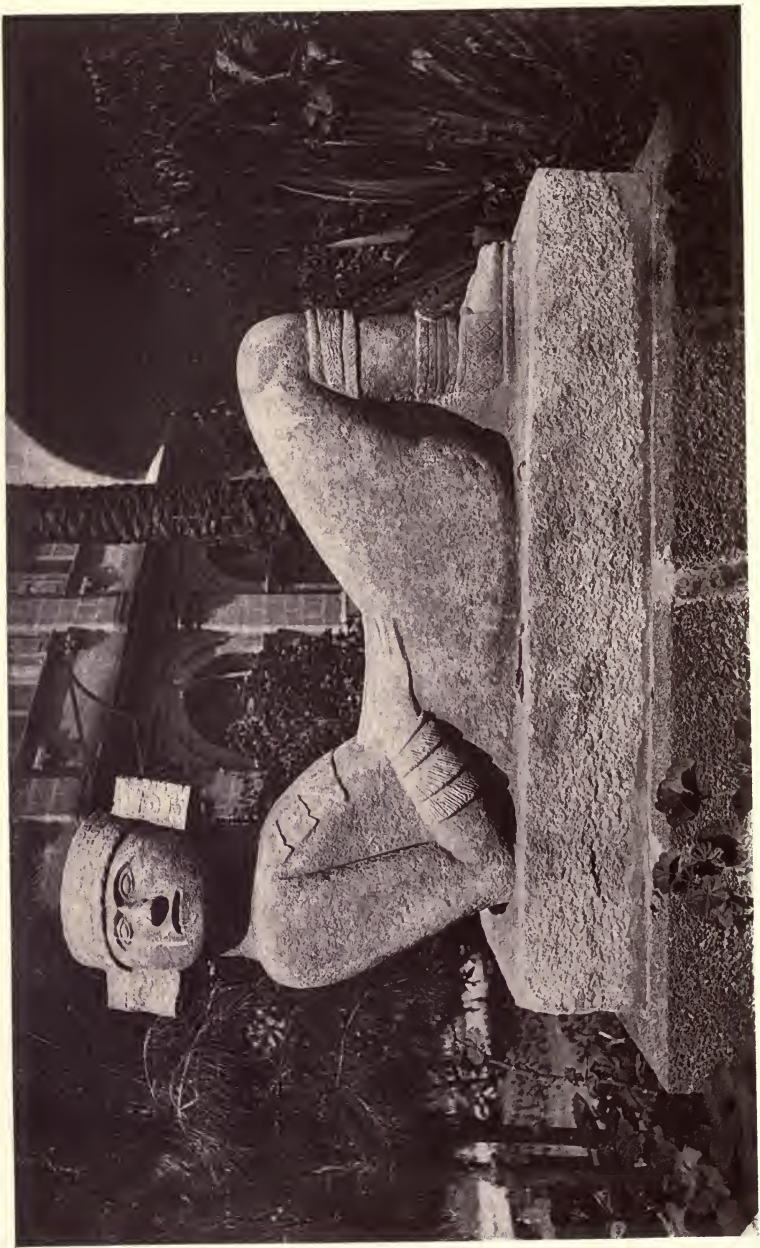
But preparations are being actively made for placing this system of electric lighting within reach of the people in all the great centers of population throughout the United States. To this end, cities are being mapped and divided into districts, each to be supplied with electricity from a central station; estimates are being made of the exact cost of plant in the different cities; contracts are being negotiated for the manufacture on a large scale of engines, dynamos, lamps, wire, and all the other supplies needed for the practical introduction of the system throughout the country; men are being trained to put up the plant of central stations, to run the machines, and to execute all the details of the introduction and working of the system.

A very important question is that of the cost of this light. The price of the electric light will, of course, be determined by the capitalists who invest their money in it as a business venture, but it will of necessity be low as compared with gaslight, though it will vary according to the original cost of plant, the demand in any given locality, and other conditions. It is not at present the intention of the company controlling the patents on this system to supply the light directly to consumers. The company will erect the first station in New York City, and will themselves conduct that station; but the other stations in New York, as well as in the other cities throughout the United States, will be managed by local companies, who will pay a royalty to the Electric Light Company for the right to use the system.

So much can be safely affirmed, that this light can be sold at a price which will make competition on the part of the gaslight companies impossible: 1. Because the total investment in plant to develop a given quantity of light is much less; 2. Because the depreciation of plant is much less; 3. Because the cost for labor employed is very much less than in gas-works; 4. Because the electric-light companies will not have to make any dead investment in large areas of real estate; it is not even necessary to erect buildings specially to serve as stations, for the ordinary buildings, such

as are used for different branches of manufacture, will serve the purpose, and may be hired on rental ; 5. Because the companies can sell electricity for two uses—for light at night, and for power in the daytime. It has been ascertained by experiment that power can be supplied through this system from twenty-five-horse power down to $\frac{1}{100}$ of a horse-power on the same mains that supply the light, and that elevators, printing-presses, sewing-machines, fans, pumps, etc., can be run by electricity from a central station far more economically than by any other means. A canvass of the city of New York has shown that the demand for small powers, in private dwellings and minor industrial establishments, will give occupation to the central stations in the lower part of the city for ten hours daily. This power can be supplied at such a profit to the companies as to more than cover the expense of running the stations for six hours longer in producing electric light. It is evident, therefore, that, in a competition with gas, the electric light possesses an enormous advantage.

THOMAS A. EDISON.



THE GOD OF WINE.

Found at Chichen Itza, (Yucatan).

THE RUINS OF CENTRAL AMERICA.

PART II.

A THEORY OF CANNIBALISM.

THIS question may have nothing to do with Mexico from an archæological point of view ; but in its ethnographical bearings it is highly important.

No one has ever raised the question, What is the origin of cannibalism, or why did a civilized people like the Aztecs observe so barbarous a custom? I believe I can answer this question, and from its solution deduce consequences of very high importance.

However savage they may be, men do not eat one another unless they are compelled by absolute necessity—starvation or race-preservation.

In our day we see shipwrecked mariners drawing lots to decide who shall be eaten, or devouring the one that is weakest.

Cannibalism has never been observed among tribes, however savage or ruthless, which occupy hunting-grounds wide enough to meet their wants, any more than among pastoral or agricultural tribes possessing grain or cattle. Thus the red-skins of North America were not cannibals. They used to scalp and torture their captives, but did not eat them ; and, if the phenomenon is observed among civilized nations, it is exceptional, as in the Chinese famine, or as in cities reduced to extremity by a protracted siege. Then, as at Jerusalem, at Paris, and other places, we see mothers devouring their own children. This observation gives us the explanation of this abominable custom.

In short, cannibalism had its rise among tribes having no cattle, no hunting-grounds, and having for their maintenance only vegetable food, or an insufficiency of other food.

You find cannibalism in America at the time of the conquest

among the Caribs ; in the islands of the Pacific, where the natives had for their only sustenance cocoanuts and fish ; and in Australia, where the soil was so poor that not only was man a cannibal, but he was furthermore constrained to limit the population.

But no tribe, however savage, having at hand, whatever the trouble might be of securing the prey, bears, reindeer, horses, or oxen, is ever cannibalistic ; while, as we have said, the natives of the Pacific islands, not following the chase, and having no cattle, used to make war on their neighbors with the view of taking prisoners and eating their flesh. This they did at first from necessity ; afterward the custom was consecrated by religious tradition.

Now, the natives of South and Central America and of Mexico, in the high state of civilization in which they were found at the time of the conquest, were cannibals, though the time had gone by when necessity compelled them to be such. They had become farmers ; they cultivated several species of grain, and they derived from the chase and from various domesticated animals food sufficient to support life. Besides, as historians tell us, they were extremely gentle in their manners. Why, then, were they cannibals ? The reason is, though they would not themselves account for it in that way, that they were complying with a religious tradition.

The fact is, that they never devoured their captives till after they had made an offering of them to their gods ; and, apart from the seasons of the religious sacrifices, they never touched human flesh. It was not necessity, therefore, that perpetuated this cruel custom among them : it was religion.

But whence came this religious tradition ? Not from the north, where the pastoral races of Asia had never practiced it ; it came not from China or from Japan, whose agricultural populations had never known of it : it came from the islands of the Pacific, and this is one of the strongest proofs of the influence of the Malay races on the American races.

The earliest migrations, whether voluntary or not, coming from the west to the coasts of South America, must have been made up of cannibals, who were such from necessity, like their ancestors. Then, becoming civilized, and developing their means of subsistence, they were still cannibals by tradition—a tradition which they cherished, and which they propagated in the most civilized states coming after them, as we see in Central America and Mexico at the date of the conquest. This custom, practiced as it was in conformity with a religious principle, is, taken in connection with many other cir-

cumstances, positive proof of a Polynesian influence on American civilizations.

THE INDIAN BACCHUS, TEZCATZONCATL OR IZQUITECATL, CALLED BY
LE PLONGEON CHAC-MOOL.

In June, 1877, Señor Herrera y Perez published in the "*Voz de Mexico*" newspaper an essay on the subject of Chac-Mool, in which he describes this statue, and compares it with another that for a long time has been in the National Museum, and which is said to have been found in the State of Tlascala.

Notwithstanding the well-known resemblance existing between these two monoliths, Señor Herrera holds that they represent two very different personages. In his opinion the statue from Tlascala represents a chief of the Olmecs, Cuapintzintli. The Yucatecan statue he holds to represent Providence, the goddess of the waters.

Señor Jesus Sanchez, author of the article we are translating, and which was published in Part VI of the "*Annals of the National Museum*," does not accept Herrera's argument as conclusive, for, if the two statues are identical, how can it be supposed that the one represents an Olmec chief and the other a divinity worshiped by the Itzaës? They both represent a nude man lying horizontally on his back with legs flexed upward and the soles of his feet resting on the ground. Both hold with their hands a round vessel or bowl. The figures wear ornaments only on their heads, wrists, and ankles. The foot-gear, which Le Plongeon compares to the sandals found on mummies in the Canary Islands, is the same in both. Finally—and this is a very noteworthy point of resemblance—both statues have the head raised to the same height, the one looking to the right, the other to the left. In fact, the only difference worthy of remark is the absence of ornaments on the breast in the Tlascala statue.

We are not to suppose that all these circumstances are fortuitous; and to me the logical conclusion seems to be that the two statues represent one symbolic personage. Could the Itzaës have held in so high esteem Cuapintzintli, the Olmec chief, as to wish to preserve his image? On the other hand, could the Tlascaltecs have known and worshiped Chac-Mool, the king of Chichen-Itza? Both suppositions to me seem inadmissible, and I prefer to believe that the two monuments were dedicated to one divinity worshiped both in Yucatan and Tlascala, as also at Mexico, as we shall see later. This supposition is not so very improbable, for from the little information afforded us by historians concerning the religion of the

Yucatecans we know that their religious system was the same as that of the Toltecs. Says Torquemada : "The inhabitants of Yucatan worshiped the god Quetzalcohuatl, whom they named Kukulcan ; and they said that he came from the west ; also that their kings were descended from him." Further, the Tlascaltecs worshiped the same gods as the Mexicans ; thus their favorite god was Huitzilopochtli, whom they called Camaxtl. Like all the nations of antiquity, the Mexicans, having no notion of the existence of one almighty Creator, multiplied their gods.

But what especially attracts notice in the statues we are comparing is their horizontal position—a thing which makes them exceptional among the many idols in the National Museum. In reading the descriptions of the gods constituting the American Olympus, as written by Gomara and Torquemada, we find only the statue of Quetzalcohuatl represented as assuming this horizontal position. "In the city of Tula," writes Torquemada, "he had a grand and gorgeous temple, with many steps to reach its top, but so narrow that there was hardly room for the foot. His statue was very ugly in form, its head very big, and heavily bearded. This statue was reclining and not standing, and was covered with a veil," etc. The thick, tufted beard characteristic of Quetzalcohuatl is seen in neither of the statues we are considering, and consequently we must look for some other divinity whose description and attributes will correspond.

Gama, in his learned work upon the ancient monuments found in the plaza at Mexico when it was graded in 1790, thus describes the Mexican god of wine, Tezcatzoncatl : "The idol represented by this statue is the god Tezcatzoncatl, which means mirror-locks (*chevelure des miroirs*) ; and he was the first god of wine, or one of the two principal gods of wine, hence his surname of Tezcatzoncatl Ometochli. His festival was celebrated with that of Izquitecatl.

"The figure," adds Gama, "seems to be a faithful copy of the original worshiped in its proper place in the temple. The head appears to be covered as with a convex mirror, or with burnished metal of some kind, if we are to judge by the polish of its surface. The ornaments of the ears, neck, arms, and legs are different from those worn by the other gods. But what especially distinguishes him is the basin full of liquor which he holds in his arms, and in the bottom of which, as in a mirror, is seen represented the paneled roof of the temple."

In this description Gama has in view an idol which he purposed

to present in his work by an engraving. Unfortunately, the work contains nothing of the kind, and we have to recur to his text. The recumbent position assumed by one of the wine-gods and the vessel he holds—details which, according to Gama, are characteristic—agree entirely with the Yucatan statue, as with that of Tlascala.

Gama furthermore thought he discovered the phonetic significance of the name *Tezcatzoncatl* (mirror-locks) in the band encircling the head of the Tlascaltec statue, a band ornamented with several round objects, as also in the many octagonal pieces constituting the head-dress of the statue from Yucatan, all of which may have represented mirrors.

At first I thought that, even though this explanation was not perfectly satisfactory, still it might not be far from the truth; but, fortunately, I happened to come upon a third monolith, identical with the other two in its principal characters, and of a date which, in my opinion, is highly important. This ancient monument is found in the garden of Mr. Barron, at Tacubaya, having been purchased by him with other Aztec curiosities.*

We are unable to determine the locality where it was found. It is said to have come from a village in the neighborhood of the city of Mexico. This statue is ninety-seven centimetres (about thirty-eight inches) in length, by fifty centimetres (about nineteen and a half inches) wide, and sixty-three centimetres (about twenty-four and two thirds inches) in height. Like the other two, it represents a human figure lying on its back, the legs flexed, and the soles of the feet resting on the ground. It holds between its hands a vessel which rests on its belly, and the eyes are turned toward the left, as in the Tlascala statue. It needs not much study to see that the same allegorical conception is expressed by these three monuments. Apart from the slight differences noticeable in the ornamentation, and which may be referred to the influence of time or place, or to the fancy of the artist, the main idea is absolutely the same in all. It is to be noted that in this statue the hair is ornamented with an object of circular shape, which might well represent a mirror. If this is so, then here too we should have the word *Tezcatzoncatl* sculptured in phonetic characters, giving us the name of the god, "mirror-locks."

The base of this statue bears figures of frogs, a fish, mollusks, and sundry other aquatic things; besides, there are sculptured

* Since 1878 it has been kept in the museum at Madrid.

representations of ears of maize. Thus the idol is associated with maize and the various products of the lakes, which were always the chief food of the Mexicans ; and it carries a vessel which we must imagine to be filled with their favorite beverage. Hence we may reasonably infer that this is the god of harvests, and of food in general. We say *infer*, because we find no description of this idol in the historians, and we only know that it had a special *cultus* in one of the seventy-eight chapels or oratories of the great temple at Mexico—a statement resting on the authority of three of our principal historians. Thus Sahagun writes : “The forty-fifth edifice was called Cintenpan. It was a chapel wherein was the statue of the god of maize.” Torquemada says : “There was another chapel dedicated to the god Cintentl, called Cintenpan ; he was the god of maize and of bread.” Finally, Hernandez, in speaking of the temple named Inteopan, says that it was round, and that it contained the *god of bread*.

The Mexicans also invoked Tezcatlipoca, an all-powerful deity, entreating him to preserve their lives and remedy their ills. His name, according to Torquemada, signifies “polished and shining mirror,” and they represented his image by means of small mirrors, as they did with Huitzilopochtli, for they reckoned both to be the gods of providence.

These sculptures plainly do not represent a goddess. The shape of the breast and the absence of skirts are sufficient proof of this ; consequently, they can not represent the Mexican Ceres, nor Atlatona, whose name, according to Torquemada, means “she who shines in the waters.” Unfortunately, the body of the Mexican statue in the museum is badly mutilated, and the distinctive features of Tlaloc’s physiognomy—a wavy line over the mouth and long, sharpened teeth—are not to be seen.

Señor Herrera y Perez, in his article, says that on the squares which in the Yucatecan statue form the ears is graven the hieroglyph *dos cañas*. In that case we should have here the name of the god of revelers, Omeacatl, according to Sahagun. But the description that author gives us of the god does not tally with the one we are considering, and a simple inspection of the hieroglyph proves that it is not the sign *Omeacatl*. We are free to confess that we can not make out its meaning, and we much doubt that Dr. Le Plongeon was able to read in these mystic characters the name, style, etc., of the king of the Itzaës, Chac-Mool, as he asserts in his letter to Mr. Salisbury.

To sum up our remarks upon the statues which have given occasion to this essay, we would say that—

1. The three are absolutely identical in their essential characters.

2. The Yucatan statue can not be a king, as Dr. Le Plongeon asserts, for it is not to be supposed that a king of Yucatan should have been worshiped as a god at Mexico and at Tlascalala.

The Tlascalala statue does not represent the Olmec chief Cuapintzintli, as Señor Herrera y Perez holds, because the Itzaës, a people much more ancient than the Olmecs, could not have known of him; and we can not suppose that by mere chance two chiefs of those nations would have been represented in a manner so extraordinarily alike.

4. The statue from the city of Mexico, in our opinion, removes all doubt. It is accompanied by maize-ears, aquatic products of the Mexican lakes, and a vessel filled with liquor. From this we conclude that it must represent a god of food, and we hold ourselves to be justified in rejecting as absolutely erroneous and baseless the name Chac-Mool given by Le Plongeon to the Yucatan statue.

Such is a summary almost *in extenso* of Señor Jesus Sanchez's article on this important subject. I will send you photographs of the three statues, and I will make casts of them also.

In my opinion, the Yucatan statue is comparatively modern, if we are to judge from its appearance. The body of the figure having been first rough hewed, was then rubbed smooth with stones. This is patent at the first glance. As for the ornaments on the arms and legs, we clearly discern the scratches made by obsidian or some other hard stone. The statue, therefore, belongs to a time when the Yucatecans, or rather the Mayas, had lost all knowledge of the art of tempering copper which their forefathers possessed, and when, as at the period of the conquest, they had arms only of obsidian or other hard stones.

MISCELLANEOUS NOTES.

The Lepero.—At Mexico the monks are gone, and the *lepero* has grown out of the habit of giving them his money; for all that, he does not economize the more: he drinks more *pulque*, that is all.

Monastic Orders.—Upon the suppression of the monastic orders at Mexico, the confiscation of the property of the clergy and the demolition of certain churches and convents, the multitude protested, but without violence. The *leperos*, all covered as they were:

with medals, rosaries, and scapulars, pulled down the houses of their fetiches, while the old women, indignant witnesses of the sacrilege, ejaculated their *aves* without ceasing. The exiles had fulminated the major excommunication against whosoever should have act or part in the work of demolition, or should tread the streets cut through the grounds of the torn-down convents ; but after a week or so all fear vanished. Not only did the destroyers go about their work without remorse, but they even used the sacred wood-work to make their kitchen-fires, and the new streets had their passengers like the older ones.

The Name "Toltec."—It is with the Toltecs as with the Greeks, whose descendants we are in an artistic sense, as were also the Romans who preceded us. All modern nations would be Greeks were we to take account only of certain monuments. If the Toltecs were the creators of the monuments of North America, and also, as tradition asserts, of those of Central America, they must have possessed great elasticity of genius to raise structures so diverse both in material and in architecture. In Upper Mexico the material used is adobe ; in some provinces a mixture of stones and mud ; at Hochicalco and at Teotihuacan a mixture of volcanic stones and mud, covered with a layer of cement ; at Mexico it was adobe covered with cement or lime, and polished ; at Oaxaca it was stones and mortar, with here and there sculptured slabs ; at Palenque it was stone and mortar overlaid with cement, and this cement modeled into bas-reliefs ; at Palenque, too, there are sculptured stones bearing inscriptions ; in Yucatan there are pyramids and monuments of stone and mortar.

True, it might be said that each nation can only employ the materials it has at hand, and that the Toltecs must needs have varied their processes according to the differences of locality and the instruments at their command. But is it not more logical to suppose that the Toltecs, who were the artistic, the civilizing nation *par excellence*, were imitated by those who came after them, and that consequently they gave their name to every civilization that resembled their own ? In this way many obscure points might be explained.

A Curious Custom.—I note a curious custom existing among a tribe of Indians who inhabit the shores of Lake Chalco, near the city of Mexico. This tribe annually perform, as a matter of traditional observance, and without knowing the reason why, the following ceremony : A group of Indians, dressed as men and women in the most absurd of French or European costumes, put out into

the lake, landing again at a point a short distance away. Then they reënter the village amid the hooting of the population, who fall upon them, beat them, chase them, and compel them to reëmbark. The performance, therefore, represents a maritime invasion repulsed. But, as there were no warriors among the invaders, I was puzzled, for I supposed the ceremony to refer to the war of intervention. No one was able to give me any explanation beyond repeating the word "*Francia, Francia.*" At last an aged man informed me that this masquerade had reference to the Spanish war of 1808, during the first empire.

It is thus that traditions are perpetuated while not even they who hand them down know their origin. A certain intelligent man to whom I mentioned this observation simply replied, "Do your French peasants who sing the mass in Latin know what they are saying?" To me the reply seemed profound, and I was silent. The world is full of absurdities.

I have seen, at the house of Señor Alfredo Chavero, a lion's head in terra cotta, which is a genuine work of art. It formed a part of a vase, and is about forty centimetres (fifteen and two thirds inches) in diameter; it is admirably modeled. This head comes from Mitla, and, curiously enough, it has nothing in common with the architecture of the buildings nor with the other works of art there found. It is *sui generis*, and appears to have been overlooked by all who have hitherto written about the monuments.

COPPER AMONG THE ANCIENT MEXICANS.

This is a very interesting subject, and I wish to treat it in connection with a curiously shaped hatchet I found recently.

Many authors have asserted that there is no copper in Central America, and that the copper in use among the natives before the advent of the Spaniards came from Lake Superior. This is certainly an error. In Chili, in Colombia, in Guerrero, in Chihuahua, and in New Mexico, there are some very rich copper-mines that have been worked since the conquest. Prior to the conquest the Aztecs got lead and tin from the Tasco mines, situate to the north of Chilpancingo; they used cinnabar as a pigment; as for copper, that was the metal most usually employed in the mechanic arts—for the Aztecs it took the place of iron and steel. Their weapons, their axes, their chisels, were of copper derived from the Zacatollan Mountains. On this point we need only refer to the letters of Cortes to Charles V, concerning the tribute paid by the subject nations to

the Mexican kings before the downfall of the empire. We read that Tepecuacuilco and other villages were required to furnish, besides the tribute of maize, honey, and cotton cloth, one hundred copper hatchets; Quinauhtcopan and other towns, in addition to gold and military stores, had to contribute eighty hatchets of copper and eighty bars of the same metal. This tribute was paid every eighty days, and it must not be deemed excessive, seeing that it was always paid. It would have been almost impossible to collect it if the copper had to be brought from Lake Superior. Here we will cite an interesting fact connected with the working of copper-mines by the natives; it is mentioned by Señor Orozco y Berra:

In September, 1873, while making a reconnaissance of the mountain del Aquila, in the State of Guerrero, a workman employed on the vein of copper existing in that locality saw his crowbar suddenly disappear. On inquiring into the cause of this accident, there was found an excavation 3.50 metres (about eleven and a half feet) long, 1.50 metre (about five feet) deep, and a little over one metre (about three and a quarter feet) wide. At the bottom was found a rich vein of copper from four to ten centimetres (one and a half to four inches) thick. Felipe Larrainzas, civil engineer, closely examined the cavity, and soon ascertained that there was no sign of iron or of powder, but that the walls and the floor presented traces of fire. Further, he noticed that the metal, as well as the surrounding rock, was broken up and split in sundry places. At first no tools were discovered, but, on a careful search amid the *débris*, there were found one hundred and forty-two masses of stone of various sizes shaped like hammers and wedges, the ends of which were worn and broken off. These stones did not belong to any of the rocks constituting the mountain. There was no longer room for doubt that this vein of copper had been worked by the native races in earlier times.

The process of extraction was apparent: the rock was heated, and then allowed to cool slowly, or perhaps it was sprinkled with water to hasten the operation. The metal and its gauges were thus split, presenting interstices into which the wedges were driven, and masses of metal of greater or less size were broken off.

Further, the Aztecs had discovered a means of tempering copper, and of giving to it a considerable degree of hardness, by alloying it with tin. That hatchets of copper were in plenty among them admits of no question, for Bernal Diaz tells us, in the narrative of his first expedition to Tabasco, that the Spaniards bartered

glass-ware for a quantity of hatchets of copper, which at first they supposed to be gold. Copper abounded in Venezuela, and we still find there in great numbers trinkets of copper mixed with gold, or of pure copper, representing crocodiles, lizards, frogs, and the like.

As for their agricultural implements, the Mexicans, according to Clavigero, used the *coatl*, a copper instrument with a wooden handle, resembling the iron implement now in use among the Indians. In cutting down trees they employed copper axes like our own, except that, instead of having a socket for the haft, the latter was split, and the head of the axe secured in the cleft. I have myself seen some very large, handsome specimens which bore a resemblance to American axes. The little hatchets I found at Mitla were slender, shaped like a *tau*, and were not over eight or ten centimetres (three or four inches) in length. The particular hatchet which has given occasion to the present article appears to be a piece of native copper wrought and fashioned with a stone hammer.

Dupaix, in his description of the ruins of Mitla, mentions hatchets of the same kind which I found afterward, but he holds that they were coins, not tools. Their thinness lends probably to this supposition, and what makes it still more probable is the fact that an Indian, Pascual Baltolano, living in the town of Zochoxcotlan, found at the distance of a mile to the south of Oaxaca, while plowing his field, an earthen pot containing two hundred and seventy-six of these instruments, all very much alike in size and thickness. Their form is seen in the accompanying figure.

Were these objects the coins mentioned by Torquemada when he writes that "in other places there were found certain copper coins shaped like a *tau*, three or four finger breadths wide"?

The Aztecs also made bronze chisels, concerning which I find a very interesting article by Señor Mendoza, the learned director of the National Museum at Mexico. He describes certain specimens of bronze chisels belonging to the collection in the museum. One of these is represented below.



When freed from the coating of oxide the bronze presents the following characters: In color it resembles gold; its density is equal to 8.875; it is malleable, but, unlike pure copper, it is hard, and breaks under strong traction or tortion. The fracture presents a

fine granulation like that of steel ; in hardness it is inferior to iron, but nevertheless it is sufficiently hard to serve the purpose for which it was intended. One of these chisels, on analysis, was found to consist of copper 97·87 per cent., tin 2·13 per cent., with infinitesimal quantities of gold and zinc. Humboldt, writing of some ancient chisels from Peru, says that they consisted of ninety-four per cent. copper and six of tin, and that their specific gravity was 8·815. Other chisels of Mexican origin, analyzed by Señor Fernando Ramirez, were found to contain of copper ninety and of tin ten per cent. The American races had therefore reached the transition period between the age of polished stone and the bronze age. With such instruments as those just mentioned, the Indians felled the trees of their forests, and shaped them into great beams for use in the construction of their temples and palaces ; it was with these well-forged bronze chisels that they carved in the hardest rocks the effigies of their gods and of their kings.

A CRITIQUE OF THE HISTORIANS OF MEXICO.

I have now before me three views of the ancient city of Mexico, but they might be supposed to represent three distinct cities, so widely do they differ from one another. A like discrepancy is found to exist between the accounts given of the same events by different historians of Mexico. Even the most truthful of them have a weakness for hyperbole and amplification. Thus Clavigero, my favorite author, in describing the ruins of Mitla, tells us that the columns of the grand hall were monoliths sixty feet in height, whereas they are only twelve feet. I mention this fact because it is one that I can demonstrate ; how many other exaggerations like this pass unchallenged, and are accepted as true ! Hence we must believe only half, and scrutinize closely. In this way I have been enabled to correct Torquemada where he speaks of the small pyramids on the grand avenue, or "road of the dead," at Teotihuacan, as being "agglomerations of dwellings"—human hives. I ascended one of these pyramids, and found on the summit a plateau still coated with cement without a single break, but no sign of habitation. Then there were stairways all around the pyramid, leaving no room anywhere for dwellings. The only reasonable supposition would appear to be, that each of these minor pyramids had on its summit an idol. The whole line of the grand avenue was flanked by these monuments, and the two great pyramids were surrounded by them.

THE HABIT OF BURYING VALUABLES IN THE GROUND.

This habit or instinct of burying treasure differs essentially from the habit or instinct of hoarding. The miser, in some sort, enjoys his treasure ; he can see it, count it, handle it ; but treasure buried in the ground profits neither the one who buries it nor any one else. Evidences of this instinct are found at Mexico ; we formerly observed similar evidences in the valley of Oaxaca, where over four hundred million dollars is supposed to be buried.

Here is capital withdrawn from circulation, and of no profit even to the one who buries it. The Indian derives no enjoyment whatever from it—does not count, or see, or handle it ; his only comfort is that it is his, and that it is there. Whence does he derive an instinct so opposed to our modern habits ? In the time of persecution succeeding the conquest, the natives were naturally mistrustful, and it is to this cause that we must refer their present habit of burying their valuables. The Indian in those times buried his treasures in order to appear poor ; the Indian of to-day acts in conformity to hereditary instincts ; he hides his property away without clearly understanding why. Do we not find these same instincts among all conquered or persecuted races ?

In China the peasant buries his wealth in the ground ; and it is only in the cities and in foreign countries that the intelligent and the educated Chinaman turns his capital to account. In Cochinchina the people can be induced to pay the taxes only by the application of the rod, and generally the taxes are paid in kind. In France, too, under the kings, the peasant buried his money, and this habit, transformed into an hereditary instinct, still subsists in our time. It is only of late that, influenced by example and guided by education, he has entered the current of modern life, and has seen the advantage of converting into values a portion of his capital.

Even among the higher classes in France, the individual still loves to hoard during his life, and it is only on his death-bed that the rich and charitable man divests himself of his wealth, or of a part of it, in favor of philanthropic institutions. This is a remainder of the same instinct.

We must go to the United States if we would find a young nation that has broken with the past. There only do you find people who not alone do not hoard, but who *in life* give large sums to public institutions ; and the Peabodys, Astors, Coopers, *et al.*, are known all over the world, though elsewhere they have no imitators.

In the Indian, the instinct of hoarding is carried to the degree of fanaticism. I have myself observed at Oaxaca cases where men, who to-day would receive hundreds of dollars for ingots of gold or for cochineal, would on the morrow have not enough money to change a piaster.

The Indian who finds hidden treasure covers it up again scrupulously, never laying hand on it ; and the Indian who is taken into the secret of buried treasure, by the one who has hidden it, will die of hunger, and will resist all importunities, undergo all manner of persecution, rather than betray the trust that has been reposed in him.

The following narrative, told to me by M. de Garay, is a good illustration of this phase of Indian character : A wealthy Indian, living in the neighborhood of Mexico, married his daughter to a Frenchman, who made her his wife on speculation, and in the hope of succeeding to his father-in-law's estate. The old man was supposed to be possessed of one hundred thousand dollars. He died intestate, like all Indians. After his death, search was made for the money, but nothing was found. His little house and his garden-plot were the only property left for the heirs. This Indian had one close friend who shared all his secrets, and who was as poor as the other was rich. Every means was tried to induce him to tell where the money was hid ; they even offered to give him one fourth, one half of the treasure, but in vain. Later, they made him drunk, and a drunken Indian is very talkative. His tongue was loosed, and the heir, sure of the success of his *ruse*, carefully noted every word ; but at the critical moment, when he seemed to be on the point of giving up the secret, the man suddenly stopped. Then, with a look of terror as though the ghost of the deceased had confronted him, he arose, and ran from the place as if the furies were pursuing him.

TIGER'S HEAD, IN THE POSSESSION OF SEÑOR CHAVERO.

I have taken a mold of a tiger's head found at Mitla. It is fifty centimetres wide by forty centimetres high. It is in the style of classic ornamentation, and would pass for a European work of art. Indeed, it is in the very highest degree artistic, and it leaves the observer in a quandary. If this head was modeled by an Indian, then there existed in ancient Mexico an art that was untrammelled and that was totally distinct from the hieratic art—of which latter we perhaps are acquainted only with the most inferior ex-

pressions. I will photograph this tiger's head, as also an admirable head of a man from Yucatan. This latter head, though damaged, would bear comparison for finish and modeling with the works of the ancient Greeks. One is amazed on finding such elevated types of artistic expression alongside of grotesque figures such as meet us everywhere.

THE STONE YOKE FOR HOLDING DOWN THE VICTIM IN THE HUMAN SACRIFICES.

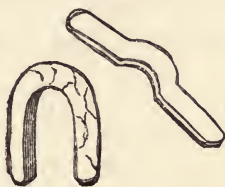


FIG. 1.

FIG. 2.

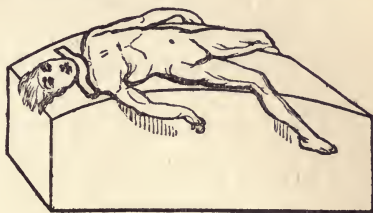


FIG. 3.

Many of the descriptions which have been written of the human sacrifices practiced by the Aztecs are illustrated with a figure of the stone upon which the victim was laid. We are told that he was held down by five priests, of whom two held his legs, two his arms, and one his head or his neck. This last, according to the historians, laid a yoke of stone upon the victim's neck, and then the high priest thrust a large stone knife into his breast, plucked out the heart, and with it rubbed the image of the god. The only collar or yoke hitherto known is that represented by Fig. 1 above, and of this there are several fine specimens in the National Museum.

Now, we are told that the Stone of Sacrifice was two metres (about six and a half feet) in length, by about one metre (about three and a quarter feet) wide, and that its upper surface was arched, so that the breast of the wretch, as he lay there upon his back ready to be sacrificed, would project considerably, thus making it easy for the high priest to lay it open with the knife and pluck out the heart.

If the stone was two metres long, the yoke No. 1 could not be of any service, inasmuch as the victim's body did not extend over the whole length of the stone, and consequently the arch of the yoke would not come down upon his neck. But suppose his head to have reached beyond the end of the stone: in that case the weight of the yoke would have held the victim, but it would have

strangled him. It is plain, therefore, that the instrument No. 1 served some other purpose.

I have just had the good fortune to find another instrument hitherto unknown, which can be nothing else but the yoke mentioned by the historians : it is represented in Fig. 2. Its length is nearly equal to the width of the Stone of Sacrifice, and its under surface is concave, answering to the arched top of the sacrificial stone. Further, in the middle it has a depression sufficiently deep to fit the neck of a man, so that the fifth priest, whose function it was to hold the head, needed but to apply this yoke, and then it was impossible for the victim to stir. In Fig. 3 is seen the Stone of Sacrifice with the victim laid thereon, and the yoke applied to his neck.

This is a discovery of no little importance, but it is with this yoke as with many other things connected with the history of Mexico : the descriptions of it which have come down to us differ from one another materially. Clavigero, the most trustworthy and the most judicious of Mexican historians, in the representation he gives of a human sacrifice, has the neck of the victim secured simply by a cord.

I was very desirous of purchasing this yoke, which is probably the only specimen of its kind in existence, and which is, therefore, of great value, though only half of it remains ; but it belongs to a collection for which twenty-five hundred dollars is asked, and the owner will not sell the yoke alone.

CONTRADICTIONS OF THE HISTORIANS AND OF MODERN AUTHORS.

I have already remarked upon the contradictions existing between the historians, the earlier as well as the later—the more you read the more unsettled does every point become. I had always supposed that in the codices known as the Mendoza, Dresden, Vatican, Cumarraga, Borgia, and Telleriano, supplemented by certain learned disquisitions on the picture-writing of the Mexicans, was to be found fully and clearly deciphered the history of the Aztec nations. In this I was very much mistaken, for even with respect to the monuments that seem to be most easily explainable, and that are best known, there exists a wide diversity of opinions. Take, for example, the Mexican Calendar, first interpreted by Gama : Valentini dissents from Gama's explanation of it ; the learned Alfredo Chavero, who discusses the subject *in extenso*, differs from both ; while a recent author, whose work will appear shortly, pro-



DEDICATION STONE.

poses an explanation that agrees with none of the preceding. Each of these theories contradicts all the others.

Some of these writers comment with deserved severity upon the mad theories of the Abbé de Bourbourg, who finds in one of the codices evidence that the current geological theory was originated by the Mayas 100,000 years ago. Others hardly deign to notice the childish fancies of Le Plongeon, who finds that the electric telegraph was in use among the Mayas ; but at the same time these critics themselves will claim for the Aztecs the credit of having discovered the physical constitution of the sun, and of having observed the transit of Venus.

If of one student of American antiquities you ask what is his opinion about the crosses found everywhere in Mexico, you will be told that they are Buddhistic. A second will affirm them to be Christian. If you ask a third, his answer will be, "*Quién sabe?*" I have made some progress, you see.

Here is another illustration of the uncertainty which surrounds every point of Mexican history : Concerning the name of the fifth and the ninth Emperor of Mexico, *Montezuma*, a name that ought to have been familiar to all, and to have had a fixed orthography, I find from an article by Señor Orozco y Berra that, of twenty-three of the most learned authors and historians, only two agree in spelling it *Motecuhzoma*, three write *Montezuma*, the remaining eighteen write this familiar name in eighteen different fashions !

HIERATIC ART AND PROFANE ART.

I have already alluded to this subject, but I return to it, because it concerns a very important question.

Evidently these two schools existed side by side, but we must mark the distinction between them. All the products of the hieratic school are not only hideous but extremely rude and grotesque : they show what sort of an influence religions sometimes exercise upon the human mind. Similar effects of religious ideas are observable among other nations. But the profane art of the Mexicans, with its unceasing efforts toward improvement, produced some very noteworthy results, and it is by these, and not by the figures of their gods and priests, that we are to judge of the culture of this ancient people. I have seen some very fine specimens of sculpture, though unfortunately these are very few in number. Religion possessed itself of the whole being of this people, and it appears as though a work of art could be produced only by stealth.

EXPEDITION TO AMECAMECA AND POPOCATEPETL.

I pass over the incidents of the trip by rail to Amecameca. Nearly twenty-five years have elapsed since the time when I first dug out of the sand at the foot of Popocatepetl sundry vases and trinkets. At that day American or Mexican archæology was so little in vogue, so neglected by all, that I myself attached no importance to a discovery which to-day brings me back to the same locality. But the Indians who saw me carrying away the vases may in their turn have taken to rummaging over the ground and rifled my treasure. Perhaps to-day my cemetery is changed beyond the possibility of recognition, or even obliterated. To-morrow or the day after I shall know whether my anticipations are to be realized or disappointed.

Leaving Amecameca at 7 A. M., on July 5th, we came to the rancho of Tlamacas at eleven. We have five men to make the excavations. As I feared, the Indians have been digging here, and have taken away a great number of broken vases, all traces of which have disappeared.

The rancho of Tlamacas is at an elevation of 12,596 feet, and the nights here are very cold. We rose at five o'clock; the cone of Popocatepetl was like a mass of gold in the horizontal rays of the sun, and we surveyed in all its details the valley of Puebla. Malinche, Orizaba, and the long sierra that bounds the horizon on the east, all go to form a panorama of vast extent and of wondrous beauty. After breakfast we set out for my plundered cemetery. I will sink shafts and run trenches to determine whether anything has been left besides heaps of dirt and fragments of pottery. Even though we find nothing more, these fragments are of interest as attesting the existence of an Indian burying-place, 12,800 feet above sea-level, more than 425 feet above the timber-line. During the day no perfect specimen of any sort was found to repay us for the labor of climbing a steep ascent of over 820 feet in this highly rarefied atmosphere.

On July 8th we found six graves. In the first were the remains of a woman or girl, a vase of very odd shape, and two other small vases. I saved a portion of the skull; the remainder of the skeleton is so decayed that it crumbles on being touched. The body was buried with the legs and arms doubled up, and the chin resting on the knees; no traces remain either of the hands or the feet.

The second grave also contained vases, slightly different from

those of the first. Of the human remains, the only part that I could take away was the arch of the skull. It was of a jelly-like consistency, or like a piece of tripe. I have preserved it by coating it with a mixture of stearine and tallow.

The third was a double grave. I have taken the skull of the man—supposing the grave to contain the bodies of a man and wife—and carefully cleaned and dried it, together with various other parts of the skeleton.

The fourth must have been the grave of a chief, inasmuch as there was no trace of a skeleton. It was the custom of these populations to burn the bodies of their caciques, and to bury the ashes with their arms. In this grave I found a number of objects made of *chalchihuitl*, a hard stone, of green color, and susceptible of a high polish. I found also several obsidian arrow-heads, a great number of necklace beads made of divers hard stones, also some made of terra cotta, and several small idols of earthenware and of hard stones of great value. It is a singular circumstance that all or nearly all of these jewels or ornaments were broken, probably in sign of mourning. Not less remarkable is the fact that these ornaments of serpentine, granite, and porphyry, whether because they date from a very high antiquity, or because they have been buried in a soil that exerts some special chemical action upon them, are in many instances decomposed.

The fifth and sixth graves contained each one body, together with numerous vases of every shape, and *two candlesticks*. This latter discovery is important, if it is true that the Aztecs had no other means of artificial light but the *ocote*.* It was impossible to save any portion of the skeletons.

Now, whence came these bodies? Why this cemetery at the elevation of four thousand metres—one hundred and fifty metres above the timber-line? At the time of the conquest there was, as at present, no village within a distance of four or five leagues of this spot. Besides, the Indians stood in mortal dread of the volcano, the *Popocatepetl* (smoking mountain), and when the companions of Cortes visited the crater to get sulphur they were followed by a number of the Indians, who wondered at their audacity, but who themselves halted long before they had come to the limit of the snows. When first I discovered this burying-place, I supposed it to have been a refuge where the conquered Indians buried their dead

* Pieces of resinous wood.

safe from profanation by the Spaniards. Later I held the opinion that these remains must have belonged to a far more ancient race. But the close resemblance between the vases, personal ornaments, and other objects found here, and those known to be of Aztec, Chichimec, or Totonac origin, negatives the supposition of great antiquity.

Every day we are rewarded by the discovery of objects more or less interesting. Of ten graves opened on July 9th, five had previously been violated by the Indians; the other five yielded about sixty specimens, some of them very curious, while one is unique and of very great value. This is a terra-cotta cup with three feet, eighteen centimetres (about seven inches) in diameter, eight centimetres (about three inches) high, and five centimetres (about two inches) in depth. This cup is covered within and without with very pretty figures, painted in the brightest colors; white, yellow, blue, green, and red are combined in perfect harmony. I found another cup, a little smaller, but equally beautiful. Unlike the first, this smaller cup was earth-stained and soaked with water.

I set my two treasures in the sun to dry, and soon, to my great mortification, observed that the ornamentation of the one was peeling off, while the bright colors of the other were fading. I lost no time in removing them, and made all haste to photograph the larger cup.

Another object which I have found—an excellent caricature in terra cotta of a friar—proves conclusively that this cemetery dates only from the troublous times immediately succeeding the conquest. This specimen when found was covered with black, sticky clay, and was in two pieces. On removing this clay and fitting the two pieces together, I found myself in the presence of a friar with his cowl, beneath which is seen his hair tonsured in the form of a crown; he is in the regulation dress of his order—scapulary and gown; in his right hand he holds a cross.

On July 10th we found upward of one hundred objects of different kinds, many of them very interesting. Among them was another of those painted cups, but, like the other two, its colors faded and its enameled relief peeled off on exposure to the light. The urns, vases, cups, plates, and other articles in pottery which we have discovered in this burying-place, are for the most part works of art in the best sense of the term. But the idols, though they occur in the same graves, are extremely rude and hideous in their ugliness.

It is very singular that in none of the graves have we found a single lock of hair, though the hair usually resists decay for a long time. How are we to account for this? Was it the custom to cut off the hair before the body was committed to the earth? None of the historians—and I have consulted them all concerning the matter of interment—has anything to say on this subject.

DÉSIRÉ CHARNAY.

THE OBSERVANCE OF THE SABBATH.

THE question concerning the proper observance of the Christian Sabbath may be considered in either of two aspects—the secular or civil, and the religious or spiritual.

In the former aspect, the Sabbath—that is, the measurement of time by weeks, each period of six days separated from the next by a day of rest from ordinary labor—is a social institution of prehistoric origin ; and the Christian Sabbath, in distinction from the Jewish and the Mohammedan, is characteristic of all the nations in the foremost rank of civilization. Geography distinguishes between the civilized nations and the semi-civilized. Diplomacy makes the same distinction. Nations that recognize in some sort the Christian Sabbath are included in Christendom, and Christendom includes all civilized nations. China is older than any other existing empire ; is rich with the accumulations and the ceaseless productiveness of peaceful industry ; boasts of its heroes and sages, its schools, its libraries, its most voluminous literature, its art of printing practiced long before Faust or Gutenberg had dreamed of such an invention ; includes within its limits almost a third part of the earth's population ; has had from immemorial ages a highly developed system of government—yet China is only the oldest and the richest of the semi-civilized nations. When China shall have learned to measure time by weeks, and to recognize the Christian Sabbath, that greatest of empires will no longer be classed with the semi-civilized. Turkey and Egypt are semi-civilized ; but when Sunday instead of Friday shall be the Sabbath at Constantinople and Brusa, at Cairo and Alexandria, those two countries will have been advanced from the semi-civilized class to the civilized. Japan, having become the most earnestly progressive nation outside of Christendom, is now just learning to date in years of the Christian era, to number the days of the week, and in some sort to mark the Chris-

tian Sabbath as a day of rest ; and, simultaneously with the new ways of thinking and living which these changes imply, Japan is coming into coördination and parity with the powers of the civilized world. France, in the early frenzy of that revolution which “the whirligig of time,” after whirling almost a hundred years, is now bringing to a sane and settled conclusion before the admiring gaze of Christendom, attempted to abolish the Christian Sabbath with its division of time into weeks ; but the attempt was ludicrously unsuccessful. The system of weights and measures, invented when France was making all things new, remains and is winning its way to universal acceptance ; while the revolution calendar of decades and festivals, by which the nation was to be taken out of Christendom, is an almost forgotten folly. It is noteworthy, as matter of fact, that the Christian Sabbath is inseparable from Christian civilization, and that the highest civilization outside of Christendom is only semi-civilized.

Considered in this aspect, the question concerning the proper observance of the Sabbath presupposes another question : Has this element any potency in the civilization of Christendom ? Is it worth having ? Is it worth saving ? What is the use of it ? Does it contribute anything to the superiority of Christendom over the semi-civilized nations ?

Rest is the primary and fundamental idea of the Sabbath. All other uses of the institution are either incidental to this or developed from it. Work is a necessity of human nature. But work must not be without intermission ; and one day in seven, separated from the six and guarded by prohibition of ordinary work, secures to all the needed interval of rest. Accordingly, the Hebrew decalogue, consecrating the six days to work and the seventh to rest, provides explicitly that the Sabbath shall be, not the luxury of a few, but the right of all. “Work through the six days as God wrought through the cycles in which he was creating the earth and the heavens : but the seventh is the consecrated rest. On that day thou shalt not work—thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle—no, nor the stranger that shares thy hospitality.” I am not citing the fourth commandment as a divine law, binding all men in all ages, but only for illustration. Be it that (as some Christians hold) Christ has abolished the decalogue ; be it (as sciologists claim) that Sinai is a myth ; not the less will it be true that the Sabbath, in its origin and essence, is simply a day for the intermission of ordinary work. It

is a day on which all men, the poor as well as the rich, the hireling as well as the employer, the bondman as well as his master, may rest from labor. I am not begging any question concerning the Mosaic institutions ; I am only showing that the Sabbath, whatever its origin or authority, is in its idea the workingman's day of rest. It is with touching significance that the Book of Deuteronomy, in its rehearsal of the decalogue, says : "Keep the Sabbath-day—that thy man-servant and thy maid-servant may rest as well as thou ; and remember that thou wast a servant in the land of Egypt."

"So teach us to number our days" ; for, surely, this Christian numeration—six days of labor, counted from one day of rest to another—is something which Christendom could not afford to forget even if the Sabbath were nothing more than rest for muscles weary and stiff with the week of labor. There are two great nations in which, preëminently, the day of rest is guarded by law and by religious sentiment. How great a boon is Sunday, simply as rest from labor, to the millions of hard-working men and women in the United States and the United Kingdom !

If the Sabbath is, in its essence, a rest from the work of one week, and a refreshment for the work of another, then one incidental characteristic of it must needs be quiet enjoyment, or rather (to use a word for which there is no exact equivalent) comfort. It is not a fast, but rather a festival. The legitimate aspect of rest from labor is not gloom but cheerfulness. Therefore the right conception of the Sabbath makes it a day of family enjoyment. Honor to the Puritans for their testimony when James I and Charles I attempted to pervert the English Sunday into a day of revelry ! If we admit that in their controversial zeal, eager to reach the opposite extreme from wrong, the Puritan Sabbath became almost Pharisæic in the rigor and the minuteness of its prohibitions and more than Pharisæic in its austerity, let us nevertheless remember that, if Puritanism had not protested by word and deed against the Stuart kings, there would not have been in England or in Scotland such a Sabbath as is implied in the "Cotter's Saturday Night." To the laboring-man without a home, or whose home is far away—if, having been obedient to the law "six days shalt thou labor and do all thy work," he remembers the Sabbath-day, and claims his privilege of rest—the day of rest, though it be in a mining camp, or in the woods, or on shipboard, is freighted with memories of home ; and though tears may come into his eyes at the thought of those who remember their absent one and perhaps are praying for him, his Sabbath is

not less on that account, but so much the more, a refreshment and a joy. The ideal Sabbath is the Sabbath at home when the head of the household—farmer or mechanic, merchant or lawyer, capitalist or operative—enjoys his weekly rest among those for whom his six days of labor have been spent. Whether the sabbatic institution was or was not created by the fourth commandment, there seems to be in those words, “Thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maid-servant,” a glimpse of the restful enjoyment which the day of rest, in the primitive conception of it, would bring to the families that keep it.

The day of rest, being rest and not revelry or dissipation, and being therefore a day of home enjoyment, brings with it opportunity for sober thought and conference. A Sabbath-keeping people will become a thoughtful people, and such thoughtfulness is manliness. All men, and especially the busy millions in an advanced civilization like our own, need for the mind’s sake, not less than for the sake of wearied nerves and muscles, the seventh-day intermission of their ordinary work. A true Sabbath is something far more restful than a day of noisy jollity. In its calm air the mind rests by thought, not thoughtlessness—by quiet musing, by conscious or unconscious retrospection ; perhaps by consideration of what might have been, perhaps by thinking what may yet be, perhaps by aspiration and resolve toward something in the future that shall be better than what has been in the past. The home in which Sunday is a day of rest and home enjoyment is hallowed by the Sabbaths which it hallows. In the Sabbath-keeping village life is less frivolous, and at the same time industry is more productive, for the weekly rest. A Sabbath-keeping nation is greater in peace and in war for the character which its tranquil and thoughtful Sabbaths have impressed upon it.

I have not yet mentioned the distinctively religious character of the day of rest ; yet, even in its secular and civil aspect, the fact that our Sabbath is a day for public worship and for moral and religious instruction can not be overlooked. Remembering what is the essence of the sabbatic institution—six days for work and one day set apart for rest—we can hardly resist the conviction that, even from prehistoric times, a religious element must have entered into the conception of that day of rest. Earlier than synagogue or temple, earlier than the tabernacle in the wilderness, earlier than any instituted form of public worship, the resting on the appointed day of rest was itself, if I may so express it, a religious service. Most natu-

rally, therefore, that day became a day for religious assemblies. Thus, long before the Christian era, there began to be, among a Sabbath-keeping people, and as an outgrowth of their day of rest, the institution of the synagogue and the public reading of the Scriptures, with prayer and exposition. Thus, in the separation of Christianity from Judaism, the day on which those who believed the gospel held their assemblies for worship became "the Lord's day." We can not duly estimate the value of the Sabbath in its secular and civil aspect unless we take into consideration the matter of fact that to the public at large—not to some austere sect nor to a minority, but to the millions—it is their day for worship. On that day, millions of people in these States, as in other Christian countries, claim the privilege of rest that they may resort to their places of worship without hindrance or annoyance, and that each assembly, whether greater or less, may offer its homage to God according to its own convictions, and may receive instruction from its own religious teachers. Admit whatever may be reasonably alleged concerning ignorance or fanaticism on the part of worshipers and of teachers; admit that sometimes the coming together "is not for the better but for the worse," and, after every such exception, there will be no room for doubt as to the utility of this element in our civilization—the Christian Sabbath with its worshipping assemblies and its moral and religious instructions. As a Protestant, I have my own opinion concerning certain peculiarities of Roman Catholic worship and doctrine. Yet I hold that, for the millions of Roman Catholics in this country, their own worship and the teaching which they get from their clergy are far better than none. As a Protestant of what is called an "evangelical denomination," I may even abhor the misbelief and no-belief of so-called rationalism; yet I hold that it is better for rationalists of every grade to hold their assemblies on the first day of the week, after a Christian fashion, than to forsake the assembling of themselves together and have no Sabbath. What is a rainy day worth to the country, in terms of money, when a "spell of dry weather" has been broken, and, from the Atlantic to the Alleghanies, cities, gardens, farms, and forests are refreshed and enriched? So, we may ask, what is a Sabbath-day worth as it traverses the continent with rest for toiling millions, with "sound of church-going bells," and with all its refreshing and educating influences?

Our question, then, is, in effect, How shall this immemorial institution, the weekly Sabbath—this institution, characteristic of the

most advanced civilization—the Christian Sabbath—be preserved? Under the existing organization of industry, in the relations of capital to labor, and in the rapid growth of city populations, there are obviously certain tendencies which must be counteracted by adequate moral forces, or the Christian Sabbath will be lost.

The Sabbath can be preserved as a beneficial element in our civilization only by observing it, and carefully guarding it as a day of rest from work, and of rest for all. For me, the sabbatic institution has a divine authority, and my observance of it is therefore a part of my religion. But, aside from any supernatural revelation, the grand beneficence of the institution is its sufficient warrant. The division of time into weeks—six days for labor and one day consecrated to rest from labor—is, first of all, an arrangement in the interest of workingmen, and, for the sake of greater emphasis, I say of workingwomen. That rest is for them. It is their privilege. He who, under any pretense, or by any method of inducement, would deprive them of it, is their enemy. He whose influence tends in that direction is regardless of what—whether by a divine ordinance or by a beneficial and immemorial usage—is really their right. On that day the ordinary operations of industry must rest, that the laboring millions may rest—all for the sake of each and each for the sake of all. The steam-engine, the water-wheel, all the resounding machinery in which the forces of material nature are harnessed to work in the service of man, must rest, that man himself, the image of God, and therefore nobler than all material things, may have his rightful rest.

Jesus Christ said—and it is one of those sayings, so frequent in his teaching, which reveal the truth as by a flash of light—"The Sabbath was made for man, and not man for the Sabbath." If the weekly rest is *for* man, instead of being an end to which man is subordinate, the best observance of it is that by which it contributes most to human well-being. Simple as this truth is—almost a truism—the ancient Pharisees did not know it, and even Christians have sometimes seemed to forget it. A Pharisaic "fence," guarding the commandment by a code of minute regulations, may have the effect of making the Sabbath, in the feeling of those who keep it, an end rather than the means to an end, a burden and a weariness instead of a sacred rest. Nor will the effect be essentially different if the "fence" has been constructed by Puritan casuists. Yet the principle which the Great Teacher gives us,

and which I may venture to describe as evangelical in distinction from legal—the principle that the best Sabbath-keeping is that which is most conducive to the welfare of the individual, of the family, and of society—may be applied to illustrate some particulars both of privilege and of duty.

Under this principle the strictest of Christian Sabbath-keepers make large allowance for “works of necessity and mercy.” Legalism said to the hungry disciples rubbing the ears of wheat in their hands to separate the kernels from the chaff, “You are breaking the Sabbath by work; for the plucking of those heads of wheat as you passed through the field was equivalent with reaping, and the rubbing is only another way of threshing.” Legalism said, “It is not lawful to heal on the Sabbath-day, for healing is work.” The evangelical answer was, “It is lawful to do good on the Sabbath-day.” A law for the tribes of Israel in their own country prohibited the kindling of a fire, even for domestic use, on the day of rest—a regulation not inappropriate under the sky of Palestine, but superseded by the higher law of necessity and mercy. That higher law can not be so formulated as to leave no room and no demand for the exercise of individual discretion. Love is that higher law, and “love worketh no ill to his neighbor.” The law of the Sabbath is rest from labor; but the Sabbath is for man, who is greater than the Sabbath, and the paramount law of love does not permit that the hungry should faint or the sick languish untended, lest the Sabbath be broken.

Inasmuch as the Sabbath is essentially a day of rest, and inasmuch as the rest is for all, every man's share in it should be respected and carefully guarded. Every man's rights are limited by his neighbor's rights. Every man must so use his own liberty as not to infringe his neighbor's liberty. I have a right to the day of rest, but, inasmuch as every other man in the community has the same right, I must take care that in my use of that day I do not hinder others from making the right use of it. On this principle it is that society acknowledges and protects the day of rest, and in so doing has no occasion to decide any religious question. The Constitution of the United States recognizes Sunday as *dies non* for the President. The governments of the several States and of the Union recognize the right of all their functionaries to the Sunday rest, limited only by what each government judges to be “necessity and mercy.” The legislation of every State acknowledges, in one way or another, the civil and secular value of the sabbatic institution, and more or less

carefully guards every man's privilege of rest by requiring that all shall rest.

There is a close relation between rest and quiet. A day of dissipation and riotous living is not a day of rest. The Sunday which is followed by "blue Monday" is not a Sabbath; nor does it yield to the individual or to society, to the laborer or to the employer of labor, the benefits which come from the Sabbath. What is it that capitalists are doing when they conspire to abolish the day of rest by turning it into a day of revelry? The managers of railroad corporations, whose Sunday-excursion trains defy the law and the public sense that makes the law, know that they rob the hard-working men in their service, whom they compel to forego the workman's sacred privilege of weekly rest; nor is it beyond the reach of their discernment that they cheat the heedless customers whom they persuade to turn the day of rest into a day of frolic which is not rest. As the proprietor of a drinking-saloon knows that the dimes which he gathers into his till are the price paid by his customers for personal degradation, for disease in body and mind, for wretchedness at home, and for an unlamented death—as he knows that brawls and fights, with now and then a murder, are the inevitable incidents of his "dreadful trade"; so the proprietors of a Sunday-excursion steamboat know what they are doing. They know that their greed is robbing their servants by compelling them to work on the day of rest. They know that the gain they get from the Sunday excursion is "filthy lucre" at the best, polluted with the "evil communications" that infect the sweltering throng of passengers. They know that by the promise of fresh air and a good time they persuade their customers to substitute a day of dissipation for the quiet rest which would have refreshed them for their six days' work. They know that dissipation is not rest; but what is that to them if their dividends are the greater for other people's dissipation?

In proportion as Sunday becomes a day of dissipation, it ceases to be a day of rest, and in that proportion society loses the benefit of a true Sabbath. The State, therefore, in the interest of productive industry and of the industrial classes, and especially in the interest of the millions whose industry is manual labor, must take care that Sunday shall be for all a quiet day. Without invading the rights of conscience by attempting to enforce a religious observance, it may and must prohibit those uses of the day which are not rest but dissipation, or which impose hard work on one portion of society that another portion may have a frolic. It must put a

strong barrier of law between workingmen's privilege of rest and the power of capital, especially of associated capital, proverbially soulless and heartless.

In its religious and spiritual aspect, the question of Sabbath observance is one over which civil government has no rightful authority—certainly not if the American doctrine of religious liberty and of the relations between church and state is true. While I insist that civil government may recognize the weekly rest as beneficial to the commonwealth, and may therefore provide by law, and by the enforcement of law, that every man shall have the privilege of that rest, I deny that the jurisdiction of the state extends to the religious question. While I maintain the right of the state to prohibit the perversion of the Sabbath to debasing and destructive uses, I deny its right to require that any man shall keep the day otherwise than by abstinence from work. With the great body of the people the Christian Sabbath is a day for public worship. The state may therefore recognize that fact, and may provide that assemblies for worship on the day of rest shall be undisturbed. But the state must not attempt to enforce a religious observance of the day. It can only protect such observance. To me the weekly rest is more than an immemorial tradition, more than an institution beneficial to the commonwealth. To me it is a divine provision for one great need of human nature; a monument more ancient and more enduring than the pyramids; a memorial of the world's Creator and the world's Redeemer; a symbol and foretaste of a better rest hereafter. In my own home and household I may keep the Sabbath holy according to this religious view of its sanctity. But, if I would bring my neighbor thus to keep it, I must remember that I can not compel him by any other compulsion than that of example and persuasion. I may associate with others like minded in a church which celebrates the holy day with public prayer and praise, and with religious inculcation of duty. As a church, united in a spiritual fellowship, we may have our own theory of the Sabbath, and may determine under our responsibility, not to the state but to him whom we acknowledge as our Lord, what observance of the Lord's day is necessary to the religious life, either as a manifestation of it or as a help to its growth. All such things belong not to Cæsar but to God, to the conscience and intelligence of the individual, and to associated intelligence and conscience in the church.

To the individual, then, conscious of his religious nature and of

his relations to God, the question of Sabbath observance presents itself in its religious and spiritual aspect. In this aspect of the question, as in the other, the first thing to be remembered is that word of the Great Teacher, "The Sabbath was made for man." You are human. Inseparable from your nature is that need for which the day of rest was instituted. The Sabbath is for you because you need it. Accept it as a gift from God, not reluctantly as if it were a penance, but thankfully. Then remember that the Sabbath is essentially rest from work. Let your own six days' work stand still; and bring not the worry of the week into the day of rest. Let your household affairs be so arranged that the holy day shall brighten your home with quiet enjoyment, and even the little ones shall welcome the Sabbath as a happy day. But to you the day of rest, whatever it may be to others, is more than simple rest. It has its employments as well as its repose—employments that are themselves repose. To others it may be a day of lazy pleasure; to you it is a day for serious thought and therefore for worship—the holy day—the Lord's day. Let it bring you and yours into the worshiping assembly, not only for the help you may get there, but also for the help you may bring to those who worship with you. In your own home let there be household prayer, redolent alike of tender memories and immortal hope, with lessons of wisdom from above, and with Sabbath music—"psalms and hymns and spiritual songs," hearts and voices making melody to God. Such Sabbath-keeping consecrates the home, and brings into it, in all experience of change, a light from heaven.

The readers of this journal know that what I have described as the proper observance of the Christian Sabbath from the religious point of view is a reality. It was so in the old days of Puritanism. Even then the holy day, though sanctified with more than Jewish rigor, cheered and blessed the home. The same reality exists to-day in thousands of Christian homes, bridging as it were the distance between earth and heaven.

LEONARD BACON.

THE CAMPAIGN OF 1862.

"Vixere fortes ante Agamemnona."

AN able article in the April number, by an author whose reputation is deservedly national, has for its subject "McClellan's Last Service to the Republic," the key-note of which is found in one of its statements, that he was "the General who saved the capital." As this article is written for the purposes and benefit of history, and as the writer is one whose name adds, and with justice adds, weight to anything he may say, history will doubtless be gratified to know that this contribution to its pages can stand examination as to its assertions of fact.

If it indeed be true that, in the campaign of 1862, McClellan was "the General who saved the capital," there are many people of ordinary intelligence who are not as yet sufficiently aware of the fact, and there is much of history upon that subject which is in a state of unparalleled confusion. In truth, such is the want of definite information in the premises, and such the contradictory state of evidence, that there have been those heard to say that, if the "Young Napoleon" left undone anything to insure what the April article terms "the defeat and disorderly retreat of Pope," it has not been hitherto revealed.

It may be that McClellan is the great warrior that admiring friends have claimed him to be. We certainly have no disposition to detract from his just fame; but, in considering whether he is really worthy of being entitled the Great Captain of the age, there are many things in his career to be taken into account.

The glory of the Peninsular campaign will doubtless continue to be entirely his own, and probably no one will dispute his title, or envy the enjoyment which its glory affords. His most vigorous efforts, during that historic period, appear to have been divided

between expressing himself most lugubriously as to the fearful proportions of the enemy in his front ; bickering with the Government as to the amount of force under his command—a problem he seems never to have understood ; and frantic appeals for reënforcements to an army whose numbers had already demonstrated his incapacity to handle one of any considerable size.

The Peninsular campaign was undertaken against Mr. Lincoln's remonstrance. In a paper dated February 3, 1862, he put a few plain questions, of a common-sense nature, that demonstrated the shallowness of the whole Peninsular idea.

He, however, gave way. He intrusted to McClellan the management of the whole business, only stipulating that sufficient force should be left to make Washington perfectly safe. A council of officers determined in what that safety should consist, and it involved a contingency of about fifty-five thousand men. McClellan went off, forgetting or slighting this little feature of the programme. The matter was referred to Adjutant-General Thomas and General E. A. Hitchcock, who reported thus : " In view of the opinion expressed by the council of the commanders of army corps of the force necessary for the defense of the capital, though not numerically stated, and of the force represented by General McClellan as left for that purpose, we are of the opinion that the requirements of the President, that the city shall be left entirely secure," not only in the opinion of the General-in-Chief, but that of the commanders of the army corps, also " have not been fully complied with."

This report was made April 2d. The day before, with that loose notion of numbers that characterized the General-in-Chief, he had reported to Adjutant-General Thomas that the forces left in front of Washington were fifty-four thousand four hundred and fifty-six men. Not a bad joke, considering the day, when on the next, April 2d, General Wadsworth, with whom these men were supposed to be left and who was charged with the defense of the city, reported that there were under his command only nineteen thousand and twenty-two, of which he says nearly all are " new and imperfectly disciplined." When, therefore, McClellan, who was charged with the defense of Washington as much as he was with the capture of Richmond, made a mistake in his calculations, he had no right to complain because the President merely carried out what he himself had already engaged to do. To that complaint the President gave the following crushing reply, April 9th : " My implicit order, that Washington should, by the judgment of all the commanders

of army corps, be left entirely secure, had been neglected. It was precisely this that drove me to detain McDowell. . . . And allow me to ask, do you really think I should permit the line from Richmond, *via* Manassas Junction, to this city, to be entirely open, except what resistance could be presented by less than twenty thousand unorganized troops? This is a question which the country will not allow me to evade."

When, therefore, it is written in the April article, "From the President down, through the various ranks of politicians by whom he was surrounded, all knew in their hearts that the only reason why McClellan had failed to reach Richmond, and been obliged to execute his flank movement to the James, was because McDowell had been arrested, by express orders from Washington, in his march to effect a junction with McClellan's right," it is submitted that the facts in the case do not shift the responsibility for that failure from the shoulders of McClellan to those of Mr. Lincoln.

On the 5th of April he sat down before Yorktown. He states, "Information which I had collected during the winter placed General Magruder's command at from fifteen to twenty thousand men." April 7th he telegraphs the Secretary of War, "It seems clear that I shall have the whole force of the enemy on my hands—probably not less than (100,000) one hundred thousand men, and probably more." Magruder, the rebel commander at Yorktown, in his official report, makes the following observations: "I was compelled to place in Gloucester Point, Yorktown, and Mulberry Island, fixed garrisons amounting to six thousand men, my whole force being eleven thousand, so that it will be seen that the balance of the line, embracing a length of thirteen miles, was defended by about five thousand men."

It was "the balance of the line" that McClellan besieged, with reference to which Magruder says: "Thus, with five thousand men, exclusive of the garrisons, we stopped and held in check over one hundred thousand of the enemy. . . . The men slept in the trenches and under arms, but, to my utter surprise, he permitted day after day to elapse without an assault."

This is the view our hero took of the five thousand rebels, and their mud fences: "I made, on the 6th and 7th, close personal reconnaissance of the right and left of the enemy's positions, which, with information acquired already, convinced me that it was best to prepare for an assault by the preliminary employment of heavy guns and some siege operations. Instant assault would have been simple folly."

And here the Great Captain remained, from the 5th of April until the 4th of May, when, as he states, "our batteries would have been ready to open on the morning of the 6th of May at latest ; but on the morning of the 4th it was discovered that the enemy had already been compelled to evacuate his position during the night."

That faction of the American people who have not habitually regarded McClellan as a demi-god have at times indecorously asserted that there never was a period in his whole military career when he was absolutely "ready" to do anything. It will, however, be seen, in the light of history, that he was ready to open his batteries on the 6th, on the enemy, they having vamosed upon the 4th.

This pause of a month in front of Yorktown was not with the entire approbation of the authorities, judging from certain expressions of President Lincoln, to this effect : "The country will not fail to note, is now noting, that the present hesitation to move upon an intrenched enemy is but the story of Manassas repeated." On the 1st of May the President telegraphs : "Your call for Parrott guns from Washington alarms me, chiefly because it argues indefinite procrastination. Is anything to be done?"

But if the knowledge he had of the enemy's forces was abundant, the amount of information he did not possess with regard to his own appears to be still more voluminous. April 7th, he telegraphed to the President that he had but eighty-five thousand men, to which the President replied : "There is a curious mystery about the number of troops now with you. When I telegraphed you on the 6th, saying you had over a hundred thousand with you, I had just obtained from the Secretary of War a statement taken, as he had said, from your own returns, making one hundred and eight thousand men then with you and *en route* to you. You now say you will have but eighty-five thousand when all *en route* to you shall have reached you. How can the discrepancy of twenty-three thousand be accounted for?"

The report of the assistant Secretary of War, John Tucker, April 5th, states that, prior to this date, there were landed at Fort Monroe one hundred and twenty-one thousand five hundred men. Why it was that the General-in-Chief never seemed to know how many men he had under him does not appear. Perhaps he was appalled at the task of attempting to count them.

If, with an army of one hundred thousand men, to be held at bay for a month by five thousand ; to be compelled to dig trenches,

throw up works, mount siege-guns, and make regular approaches against a force insignificant in everything except their impudence in not running incontinently away—if this be evidence of generalship, then indeed was McClellan Napoleonic.

It will be remembered that the route to Richmond *via* the Peninsula was McClellan's favorite idea. Mr. Lincoln, acting, doubtless, upon consultation with competent military advisers, was opposed to it. The failure of the campaign illustrates the weakness of this idea, and it is further demonstrated by the success of the one upon the direct route which had its culmination at Appomattox. In undertaking, therefore, such a campaign—undertaking it, too, in opposition to the most authoritative views, involving, as it was supposed to do, the fate of the republic—one would suppose that a competent military commander would at least endeavor to know something of what he was about. Perhaps there are depths in military genius and military strategy which, to the common mind, are past finding out, but it would naturally occur to a traveler, about to set forth to a distant point, to endeavor to find out how he was going to get there. It would seem to be the part of a general intending to invade an enemy's country to definitely ascertain what the topography of that country was, and what facilities for movement existed. In this connection some of McClellan's observations are pertinent.

As for instance : " Maps, which had been prepared by the topographical engineers under General Wool's command, were furnished me, in which the Warwick River was represented as flowing parallel to but not crossing the road from Newport News to Williamsburg, making the so-called Mulberry Island a real island ; and we had no information as to the true course of the Warwick *across* the Peninsula, nor of the formidable line of earthworks which it covered." And again : " In the commencement of the movement from Fort Monroe serious difficulties were encountered from the want of precise topographical information as to the country in advance. Correct local maps were not to be found, and the country, though known in its general feature, we found to be inaccurately described in essential particulars in the only maps and geographical memoirs or papers to which access could be had. Erroneous courses to streams and roads were frequently given, and no dependence could be placed on the information thus derived. This difficulty has been found to exist with respect to most portions of the State of Virginia, through which my military operations have extended.

Reconnaissances, frequently under fire, proved the only trustworthy sources of information. Negroes, however truthful their reports, possessed or were able to communicate very little accurate and no comprehensive topographical information." Mitchell's "Geography" therefore, as it appears, was entirely inadequate to the occasion, and that streams ran up instead of down, and that roads were promiscuous with reference to the points of compass, was doubtless confusing to a military chieftain who was surprised to discover that "no comprehensive topographical information" could be extracted from contrabands. His acquaintance, therefore, with the three following facts being imperfect—first, the number of the enemy he was about to confront; second, the number of men he was about to confront them with; third, the character of the country he was about to confront them on—there would appear to be eliminated from the military problem the three elementary factors which make it at all interesting.

If in all of McClellan's numerous letters, dispatches, and communications from the Peninsula there is anything that is at any time encouraging, bold, or even hopeful, it is exceedingly difficult to discover; upon the contrary, his entire correspondence might be described as one continued wail. When in front of the five thousand men in buckram, spoken of, he writes, April 7th, "In consequence of the loss of Blenker's division and the First Corps, my force is possibly less than that of the enemy, while they have all the advantages of position"; and in another part of the same: "With this army I could assault the enemy's works, and perhaps carry them; but, were I in possession of their intrenchments and assailed by double my numbers, I should have no fears as to the result." On the 10th of May he represents to the Secretary of War that the enemy are collecting all the force they can, and concentrating their best troops; that casualties and sickness are reducing his own numbers, and, "if I am not reënforced, I will be obliged to fight nearly double my numbers strongly intrenched." Four days afterward he repeats almost the same language. The enemy are always in excellent condition, while his army is being continually thinned out; and fighting "double his numbers" is a favorite expression.

May 21st he says, "All accounts report their numbers as greatly exceeding our own." He impresses upon the Government that the rebels have made every preparation for a desperate battle in front of Richmond, and, from the frequency with which this sur-

prising information is repeated, we are led to ask, what else was expected?

It had been satisfactorily ascertained, as early as 1861, that the South had not seceded, nor had Southerners inaugurated rebellion, just for the fun of the thing. They were fearfully in earnest. If there was one characteristic for which they were more conspicuous than another it was that, day and night, in season and out of season, they were completely and thoroughly "desperate." And if the Peninsular campaign was evolved from any consciousness that anticipated the subjugation of Dixie, by measures so pacific that they would feel anxious to kiss the rod that smote them, evidently there was a mistake somewhere. And yet, with an invading army of a hundred thousand men, marshaled with all the pomp and circumstance of glorious war, within gunshot of the inner citadel of treason, information that a serious battle might be expected was of that kind which the press is accustomed to head-line as "important if true!"

But it would be tedious to follow in detail all the Peninsular dispatches which seem to breathe simply a spirit of despair. Their tenor is invariably the same: "I regard it as certain that the enemy will meet us with all his force on the Chickahominy. They can concentrate many more men than I have, and are collecting troops from all quarters. . . . Duty requires me to urge that every effort be made to reënforce me. . . . The enemy are concentrating all their available force to fight this army. . . . I can not bring into actual battle against the enemy more than eighty thousand men at the utmost, and with them I must attack in position, probably intrenched, a much larger force, perhaps double my numbers. . . . I ask for every man that the War Department can send me. . . . I believe that there is a great struggle before this army; but I am neither discouraged nor dismayed."

This is much like whistling in the dark.

It is not wonderful that this continued and distressful cry provoked from the amiable Mr. Lincoln the rather pungent remark, "I think the time is near when you must either attack Richmond or give up the job and come to the defense of Washington."

These were the kind of dispatches that were being daily sent to Washington, up to the time that the Great Commander, astraddle of the Chickahominy, had thrown his right wing clear into the air, so that it was "resting," as it is termed, in military parlance, on Stonewall Jackson, who at the proper time inaugurated the famous

"change of base," as it is still called—a movement which the Northern public for a few weeks believed was a triumph in military strategy, but which fuller knowledge made somewhat less glorious.

Another General, under circumstances perhaps quite as difficult as those under review, dispatched to his Government, "I intend to fight it out on this line if it takes all summer."

Before leaving the "change of base," it is desirable to form some idea, approximate at least, as to the relative forces in the Peninsular campaign.

The number of men composing the Army of the Potomac, from the official returns (report of Committee on the Conduct of the War, vol. i, p. 323), was—present for duty April 30, 1862 (112,392), one hundred and twelve thousand three hundred and ninety-two. This was a few days before McClellan telegraphed to the Secretary of War (vol. i, Supplement to "Rebellion Record," p. 564), "If I am not reënforced, it is probable that I will be obliged to fight nearly double my numbers, strongly intrenched." From report of the same committee, vol. i, p. 337, there were present for duty June 20, 1862 (115,102) one hundred and fifteen thousand one hundred and two. On the 20th July, 1862, there were present for duty, same report, vol. i, p. 344, (101,691) one hundred and one thousand six hundred and ninety-one. These reports were all made by Assistant Adjutant-General Seth Williams, signed by General McClellan, and there is, therefore, a grave suspicion that they are correct and entirely reliable.

In a book published by Colonel W. H. Taylor, a staff-officer of General Lee, entitled "Four Years with General Lee," he says (page 49) that a statement on file in the archives-office of the rebel War Department shows that, on the 21st of May, 1862, General Johnston had present for duty (53,688) fifty-three thousand six hundred and eighty-eight; to those he states certain other numbers should be added, making that force, on the 31st of May, 1862 (62,696), sixty-two thousand six hundred and ninety-six. At the battle of Seven Pines, or Fair Oaks, Johnston fell severely wounded, when Lee assumed command. Deducting the losses of that affair, as taken from official reports, Taylor gives Lee's effective force as (56,612) fifty-six thousand six hundred and twelve. Previous to the seven days' battles Lee was reënforced, increasing his numbers to (80,762) eighty thousand seven hundred and sixty-two. The reports of the rebel division commanders give about the same result, as shown in "Reports of the Operations of the Army of

Northern Virginia under General Lee, published by authority of the Confederate Congress" (vol. i, pp. 151-368, 190, 371-385, 173, 187, 270).

McClellan's report of killed, wounded, and missing, from the 26th of June to the 1st of July inclusive, which takes in the whole series of battles, including Malvern Hill, was (15,249) fifteen thousand two hundred and forty-nine. (See his report, Supplement to "Rebellion Record," p. 593.) Deduct this loss from his returns of June 20th, and he still had near (100,000) one hundred thousand men. In his testimony before the Committee on the Conduct of the War (vol. i, p. 437), he says he had eighty-five thousand or ninety thousand, so that at the end of the fight he had more than Lee at the beginning. The change of base, therefore, was a peculiar feature of vigorous warfare, if the comparison of numbers be at all reliable. If it was considered at the time as a brilliant and successful operation by either McClellan or the Government, both had a queer style of correspondence upon the subject.

McClellan, June 28th, says: "Our men did all that men could do, all that soldiers could accomplish, but they were overwhelmed by vastly superior numbers, even after I brought my last reserves into action. The loss on both sides is terrible. I believe it will prove to be the most desperate battle of the war. The sad remnants of my men behave as men. . . . I have not a man in reserve, and shall be glad to cover my retreat and save the material and *personnel* of the army. . . . If we have lost the day, we have yet preserved our honor, and no one need blush for the Army of the Potomac. I have lost this battle because my force was too small. . . . If I save this army now, I tell you plainly that I owe no thanks to you, or to any other persons in Washington. You have done your best to destroy this army."

The first remark that one is disposed to make, in contemplating such a dispatch as this, is somewhat of the following nature:

Considering that it was addressed to the Secretary of War, the immediate representative of the President, who is the Commander-in-Chief of the Army and Navy of the United States, and by an inferior, at least in rank, the perfect good temper, the entire respect, the calm philosophy, the unshaken courage which it evidences, and the spirit of gentle subordination with which it is redolent, become manifest as soon as mentioned.

And again, if this be the language of a successful chieftain just achieving a "change of base," the unlearned in military terms

would seek to know the precise meaning of that portentous phrase. Upon an historic American occasion, when the British marched up Bunker Hill, and then went down again two or three several times with entire unanimity and perceptible precipitation, they undoubtedly effected a "change of base." Speak of "the retreat from Moscow," and a Frenchman gnashes his teeth at the profanation offered to what the merry nation still delight to honor as "un grand rétrograde mouvement." Were the old Napoleon alive, perhaps he might avail himself of the nomenclature of the young one.

While the base was in process of changing, evidently not aware what a brilliant triumph was being thrust upon him, Mr. Lincoln, June 28th, telegraphed, in reply to the dispatch last quoted, "Save your army at all events." July 1st the General says: "My men are completely exhausted, and I dread the result if we are attacked to-day by fresh troops. . . . I now pray for time."

July 1st Mr. Lincoln says: "If you are not strong enough to face the enemy, you must find a place of security, and wait, and rest, and repair. Maintain your ground if you can, but save the army at all events." And the next day, "Save the army, material, and *personnel*."

Whatever it may be called, the movement to the James was the running away of a vastly superior force from a vastly inferior one, and the panic created occasioned a perfect stampede of all the intellectual and moral qualities of the Union leader. He even issued an order for the destruction of the baggage of officers and men. Candor requires the statement that General McClellan says he does not remember issuing such order. The evidence on the point is the testimony of Lieutenant-Colonel S. B. Alexander (1 Com. Cond. War, p. 592). He states that, on the afternoon of the 28th, he was sent for by McClellan, and repaired to headquarters, then at Savage Station. He was there shown a printed order directing the destruction of the baggage of the officers and men, and "I think also the camp equipage; appealing to the officers and men to submit to this privation, because it would be only temporary—only for a few days." Alexander remonstrated with McClellan against issuing such an order, on the ground that it would demoralize both officers and men, and "would tell them more plainly than in any other way that they were a defeated army, and running for their lives."

The testimony of a witness, who states that he saw this order, is not countervailed by that of General McClellan, who assevers that he does not remember it.

There is one statement in the April article to which attention will now be given : "Every part of the army which he had lately commanded went forward to be under Pope's command. McClellan took nothing with him but his personal staff, a few orderlies, and the infantry guard of his headquarters—about five hundred men, all told. He encamped with them at Alexandria, in a field near the river, about half a mile above the town, and reported for orders. There he was employed in forwarding troops and ammunition to Pope until the 30th." In his report of October 15, 1862, General McClellan says : "The troops composing the Army of the Potomac were meanwhile ordered forward to reënforce the army under General Pope. So completely was this order carried out, that on the 30th of August I had remaining under my command only a camp-guard of about one hundred men. Everything else had been sent to reënforce General Pope. In addition, I exhausted all the means at my disposal to forward supplies to that officer, my own headquarter teams even being used for that purpose."

As General Pope was fighting the battles which involved the safety of Washington, the above statements show that General McClellan is fairly entitled to be termed the "General who saved the capital," and it will therefore be our purpose to demonstrate the absolute verity of those statements.

On the 3d of August Halleck telegraphed McClellan that it was determined to withdraw his army to Aquia Creek, and that he must take immediate steps to that end. Against this McClellan protested, but the order was repeated the next day. Full advice as to the importance of this action was given, for on August 9th Halleck telegraphs : "I am of the opinion that the enemy is massing his forces in front of Generals Pope and Burnside, and that he expects to crush them, and move forward to the Potomac. You must send reënforcements instantly to Aquia Creek. Considering the amount of transportation at your disposal, your delay is not satisfactory. You must move with all possible celerity." McClellan asserts that there has not been an hour's delay. Again, on August 10th, Halleck shows the dangerous emergency : "The enemy is crossing the Rapidan in large force. They are fighting General Pope to-day. There must be no further delay in your movements ; that which has already occurred was entirely unexpected, and must be satisfactorily explained. Let not a moment's time be lost, and telegraph me daily what progress you have made in executing the order to

transfer your troops." McClellan again insists that there has been no delay.

McClellan reached Aquia Creek August 24th, and reported to Halleck for orders. The battle of second Bull Run was on the 29th and 30th of August.

The following series of remarkable dispatches shows the urgent, pressing commands of the General-in-Chief to reënforce Pope ; and they also show how they were obeyed by the General who was in the process of "saving the capital" :

At 11 A. M., August 26th, Halleck telegraphs, "General Franklin's corps will march as soon as it receives transportation."

"Transportation" is generally the rock upon which all great military commanders split. It is the unfailing excuse for everything that goes wrong. If a given movement fails of successful accomplishment, the stereotyped reply is given, "Want of transportation," probably meaning that the Government mules had not breakfasted in time for the contemplated operations. But in this case the mules can not be held responsible, for, in a dispatch of Halleck's, dated August 30th, speaking of Franklin's failure to move, he says, "Moreover, I learned last night that the quartermaster's department would have given him plenty of transportation if he had applied for it at any time since his arrival at Alexandria."

On the 27th Halleck says : "Porter reports a general battle imminent. Franklin's corps should move out by forced marches, carrying three or four days' provisions, and to be supplied as far as possible by railroad." The battle-field was not many miles from Alexandria.

Upon this same 27th Ewell's division of Jackson's corps had struck Hooker, and a sharp fight took place. The urgency was plainly indicated. Forced marches and carrying provisions on their backs impart the notion that the men are needed, and needed quickly. But did Franklin go ? Did he even start ? Did he make a pretense of starting ? Not at all. He was not there for any such purpose ; and, therefore, upon the same day, at ten o'clock A. M., Halleck again telegraphs, "Franklin's corps should move in that direction (Manassas) as soon as possible." To which we have this distinguished reply from General McClellan, "I have sent orders to Franklin to prepare to march with his corps at once, and to repair here in person to inform me as to his means of transportation." Transportation again ! How not to do it. Franklin is ordered to

“prepare” to march, and by “preparation” McClellan seems to have understood the waiting until it was just a little too late.

The transportation question must have been of fearful proportions, in view of the fact that the march to be made was about twenty miles. It was a question which required a council of war, which McClellan and Franklin proceeded to hold, arriving at the conclusion that, under the circumstances, nothing whatever could under any possibility be done. For, at 12.5 P. M. of the same day, McClellan again telegraphs: “My aide has just returned from General Franklin’s camp; reports Generals Franklin, Smith, and Slocum are all in Washington.” A proper place for corps commanders to be, who have been ordered to make forced marches to meet an enemy! In the same dispatch, McClellan further says, “He (my aide) gave the order to the next in rank to place the corps in readiness to move at once.” No marching—no moving—no doing anything—but the problem of eternal indefiniteness—getting ready to do something. Halleck’s directions were to march, and march at once—directions given at 11 A. M. of the 26th. It is now 12.5 P. M. of the 27th. Twenty-five hours and five minutes have passed, and the corps is still ordered to get ready.

At 1.15 of the 27th McClellan says: “Franklin’s artillery have no horses except for four guns without caissons. I can pick up no cavalry. In view of these facts will it not be well to push Sumner’s corps here by water as rapidly as possible, to make immediate arrangements for placing the works in front of Washington in an efficient state of defense? I have no means of knowing the enemy’s force between Pope and ourselves. Can Franklin without his artillery or cavalry effect any useful purpose in front? Should not Burnside take steps at once to evacuate Falmouth and Aquia, at the same time covering the retreat of any of Pope’s troops who may fall back in that direction? I do not see that we have force enough in hand to form a connection with Pope, whose exact position we do not know. Are we safe in the direction of the Valley?”

This dispatch shows that he knew Jackson to be between Pope and himself, in exactly the position to be caught and crushed to powder. Had Franklin’s corps promptly marched, that result would have inevitably followed. But did the Peninsular chieftain seize the golden opportunity? Did he send a man to the relief of his comrades in arms? Not one! He occupies himself with furnishing excuses to justify complete inaction. There are no horses for the artillery, or the mules are on a strike. He calls instant attention

to every possible question but the vital one of succoring Pope. He makes suggestions, the effect of which is, that the energies of the Government shall be engaged in other matters than those going on at the battle-field in front; and, had Halleck heeded those suggestions, the Army of the Potomac would again have been set to work digging holes in the ground. Singularly enough, he says that, though he does not know the force of the enemy between "Pope and ourselves," still we have not force enough to "form a connection with Pope." It would be undignified to call this subterfuge, and, as Mrs. Nickleby said, "let us be genteel or die." But that prescience is wonderful which, though ignorant of the numbers before it, is still certain that its own is unequal to an attack. "The retreat of any of General Pope's troops!" Was that what he was expecting? Was that what he was manœuvring for?

Still again upon the 27th—a day of fearful importance, when the Government was straining every nerve to save itself from destruction—upon the 27th Halleck once more telegraphs: "The enemy seem to be trying to turn Pope's left. Is there no way of communicating with him?" Is this the cry of despair? Is it the cry for succor to the only hand that can help, to the only arm that outstretched can save, with the consciousness that that hand will be stayed and that arm not raised? "Hope for a season bade the world farewell."

So late as 6 P. M. of the 27th McClellan says: "I now have at my disposal about ten thousand of Franklin's corps, about twenty-eight hundred of General Tyler's brigade, and Colonel Tyler's First Connecticut Artillery, which I recommend should be held in hand for the defense of Washington." In face of the peremptory orders, as already given, he has the coolness to say, "If you wish me to order any part of this force to the front, it is in readiness to march at a moment's notice to any point you may indicate."

And thus the 27th of August passes into the twilight of history, and not yet has McClellan marshaled his hosts for the relief of the fighting braves upon the plains of Manassas.

August 28th dawns upon the strife. Halleck telegraphs to Franklin: "On parting with General McClellan, about two o'clock this morning, it was understood that you were to move with your corps to-day toward Manassas Junction to drive the enemy from the railroad. I have just learned that the General has not yet returned to Alexandria. If you have not received his order, act on this."

Did General Franklin "act on this" order? Did he move? Did he move on the 28th? Not a bit of it, although at 11 A. M. of the 26th his corps had been ordered to march at once. As General Franklin was a subordinate, it is to be supposed that he would have obeyed the behests of highest authority, had not some unseen and malign influence restrained him. It is only inferable that General Franklin handed this dispatch over to McClellan, who directed him not to comply.

No other influence is justifiable from the facts, for this is McClellan's reply, sent at 1 P. M., and it is given in full :

ALEXANDRIA, VIRGINIA, August 28, 1862.—1 P. M.

Your dispatch to Franklin received. I have been doing all possible to hurry artillery and cavalry. The moment Franklin can be started with a reasonable amount of artillery he shall go. In the mean time see Whipple's dispatch. Something must be done in that direction. Please see Barnard, and be sure that the works toward the chain-bridge are perfectly secure. I look upon these works, especially Ethan Allen and Marcy, as of the first importance. I have heard incidentally that there is no garrison in Ethan Allen, but presume it is a mistake. I have just conversed with Colonel Holabin, and think the enemy is in so much force near Manassas as to make it necessary for us to move in force.

GEORGE B. MCCLELLAN,
Major-General commanding.

General H. W. HALLECK, *General-in-Chief.*

Upon reading this dispatch and reply, the conclusion forces itself that McClellan proposed not only to do nothing himself, but not to allow any one else to do anything. From a condition of passive inactivity, he now proceeds to a state of active interference, to accomplish prevention. Let alone, Franklin would have been compelled to go ahead, or run the risk of being shot; and, now that there is actual danger of prompt measures being taken, McClellan is the man who puts a quietus on the entire proceeding. But this reply will bear further contemplation. Franklin is not ready. As soon as he has cannon he shall go! "A reasonable amount of artillery"! This was the very force which the day before McClellan had stated was ready "to march at a moment's notice"; and there is nothing to show that his "artillery" had, in the mean time, been captured by the enemy or sold for old iron.

The *ensemble* of this whole reply is profoundly impressive. The vast number of things in which General McClellan's powerful mind is patriotically interested is wonderful. The vital business, at the

front, the crisis and climax of destiny, does not arrest the fleeting thought. "Whipple's dispatch" overburdens the intellect. Whether Whipple was discoursing upon the number of baked beans the army should consume upon the morrow, or was eloquent upon some other equally important subject, matters not. Moreover, there was "Barnard" and the "chain-bridge," "works" which needed security. "Works" were General McClellan's strong point. He never had any faith without works, and his mind tended so strongly in this direction that he forgot all else. Of the various matters in this reply, evidently demanding the attention of the General-in-Chief, there is no mention of Pope.

There is nothing said of the situation upon which, in reality, all depended, and in comparison with which Whipple and the chain-bridge were mere insignificances. The only approximation is the statement that there is such a force at Manassas that we ought "to move in force"—a remarkable discovery to be made at this period of time, but still one that does not quicken the apathy that had settled upon the brain and will of the commander of the Army of the Potomac. In reading this reply dispassionately, remembering the fearful circumstances of the hour, does it read as coming from one whose whole soul and heart were enlisted in the service of his country?

August 28th, at 3.30, Halleck says, "Not a moment must be lost in pushing as large force as possible toward Manassas so as to communicate with Pope before the enemy is reënforced." Halleck sees, Halleck knows the *point d'appui*. Pope is the man. On him rest the hopes of the hour, the day, the age. On that name Halleck rings the changes day after day. But the trumpet-call from the "General-in-Chief" falls upon ears that are dull—dull and heavy to sounds that should have touched every chord of a soldier's heart, and caused his blood to bound with eagerness for the fray. All other things are forgotten by the General-in-Chief. Ethan Allen, chain-bridge, works, are thrown to the winds. Pope was the man to be helped. On the point of his sword the battle balanced. It was Pope whom Halleck on August 21st had ordered: "Dispute every inch of ground, and fight like the devil, till we can reënforce you. Forty-eight hours more, and we can make you strong enough. Don't yield an inch if you can help it." And Pope obeyed his orders to "fight like the devil!" Impious simile! But, had his Satanic Majesty been a witness to the fact in those fields of heroism and carnage, he would have recognized the likeness upon the instant.

At 4.10 McClellan replies : "General Franklin is with me here. I will know in a few minutes the condition of artillery and cavalry. We are not yet in a condition to move ; may be by to-morrow morning." At 4.45 he says : "Your dispatch received. Neither Franklin's nor Sumner's corps is now in condition to move and fight a battle. It would be a sacrifice to send them out now. I have sent aides to ascertain."

Just here, perhaps, it may be as well to see what "Old Bull" Sumner says of these matters : "I embarked, as I have stated, at Newport News. When I arrived at Aquia Creek I immediately detached one of my brigades by railroad, and they advanced to Fredericksburg. Before I could debark all my command, I received orders to proceed directly to Alexandria. I therefore reëmbarked the brigade, and proceeded up the river to Alexandria. I landed there, and took possession of my former camp on the Little River Turnpike, about two miles from town. I remained there twenty-four hours. I was then ordered to retrace my steps through Alexandria, and to march with my command up to the Aqueduct bridge at Georgetown. I made the march during the night, and placed my troops in bivouac near that bridge the next forenoon. When I had been there about three hours I received an order to move with my command as rapidly as possible. . . . If I had been ordered to advance right on from Alexandria by the Little River Turnpike, I should have been in that second Bull Run battle with my whole force. As it was, I lost some forty-eight hours by remaining in camp for a time near Alexandria, and then marching up to the Aqueduct bridge." . . .

Question. "In your judgment, what would have been the effect had you immediately, upon landing at Alexandria, been ordered to join General Pope with your command? Would it not have saved his army from defeat, and prevented the rebels from invading Maryland?"

Answer. "I can say this : that had I, upon landing at Alexandria, been ordered forward immediately, I should have been in the second Bull Run battle with my corps."

Question. "How many men had you in your corps at that time?"

Answer. "About ten thousand, I presume."

Question. "Under whose orders were you acting, before you communicated with General Pope?"

Answer. "Under orders from General McClellan—orders trans-

mitted through him from General Halleck." (1 Committee on the Conduct of the War, p. 367.)

The old veteran did not seem to know that his corps was in no "condition to move and fight a battle." Upon the other hand, had he received the orders, he would "have been in the second Bull Run battle with my corps." Condition or no condition, he was ready for a fight, waiting like a hound in the leash for the order to spring. He waited forty-eight hours, the thunder of battle in his ears, the roar of cannon shaking the windows in houses at Alexandria, but the order did not come. McClellan did not give it, but was holding him back with flimsy pretexts of not being ready.

Herman Haupt was master of transportation, in charge of moving troops and supplies by rail from Alexandria to the front. He states that he first met McClellan at Alexandria August 27th. "While here I communicated to him the information that General Taylor had made an attack upon a force of the enemy at Manassas, had suffered a repulse, and was wounded; that Colonel Scammon was holding Bull Run bridge with a force of fifteen hundred men."

Question. "What action did General McClellan take upon the information which you communicated?"

Answer. "He decided that it would not be safe to send an expedition to reënforce the command of General Scammon until he could get further information of the number and position of the enemy." This was on the 27th, after McClellan had received the order from Halleck, "Franklin's corps should march in direction (Manassas) as soon as possible"; to which McClellan replies at 10.40 that he had ordered Franklin to "prepare to march." Ten minutes afterward, or 10.50 A. M., of the 27th, Halleck telegraphs Haupt to see McClellan. The interview takes place, with the result above stated, and in the face of the order from his superior, with the reply made indicating his intention to comply, he deliberately informs Haupt that "it would not be safe" to send out an expedition as he had been ordered. In this interview Haupt further says:

Question. "Did you recommend that the command should be reënforced?"

Answer. "I was very anxious that it should be either reënforced or relieved. I wished to bring off the remainder of General Taylor's command, and, if I had not found General McClellan, would certainly have sent out a force that afternoon."

Question. "Had you reason to believe that this movement could have been made successfully?"

Answer. "I thought the circumstances were such as to justify some risk, and, as General McClellan did not seem willing to send a force for the reasons assigned, I determined to assume the responsibility of making a reconnaissance the following morning unless positively forbidden. I accordingly sent General McClellan the following telegram :"

August 27, 1862.

I propose to start at four o'clock, precisely, a wrecking and construction train bound for Bull Run, also a forage train and a subsistence train. It is, perhaps, proper that two hundred good skirmishers should be sent with the trains, who should be at the depot at Alexandria before 4 A. M. to-morrow morning. General Pope will be notified by courier to-night to have his wagons ready at Sangster's Station by daylight to-morrow. If the troops are not here by 4 A. M. we purpose to go ahead without them.

Major-General McCLELLAN.

H. HAUPT."

(Parenthetically we pause to do reverence to the pluck of the gallant Haupt. In the face of a danger that appalled "the General who saved the capital," and froze him into a state of timorous quiescence, Haupt proposed "to go ahead without them.")

Haupt continues, "No reply having been received within the time designated, I sent out the train." (1 Committee on the Conduct of the War, p. 379.) Haupt makes this further statement, in the same volume, p. 384 :

Question. "Were the troops of the Army of the Potomac in condition for service when landed at Alexandria?"

Answer. "The troops were fed from the transports, and could have marched to Manassas in one fourth the time required to reach that point by waiting for transportation ; besides, if the troops had marched, they could have better supported each other. The railroad, with the frequent breaks from rebel raids, was taxed nearly to its capacity to furnish supplies. I believe that, if the troops, when landed from the transports, had been marched immediately to Manassas instead of waiting several days for rail transportation, they could have rendered efficient support to General Pope, and would, no doubt, have changed the result of the contest by giving us a decisive victory, but I don't know who was responsible for this delay ; there may have been reasons for not moving which I did not understand."

It will be remembered that Jackson, with that headlong daring which partook more of valor than discretion, had come through Thoroughfare Gap at least two days ahead of the rest of Lee's

army. On the afternoon of the 27th he had a fight with Hooker, and was exactly between Pope and Washington. On the night of the 27th he burned Manassas Junction, and moved north through Centreville. If anything is plain, it is that, had Franklin's corps been pushed promptly out as ordered, he would have met Jackson face to face. Thus brought to a stand, Pope's whole army would have been upon his rear on the 28th, with Lee and Longstreet a day's march away.

But let us resume the dispatches of the 28th, for upon that day Gibbon had his fight, and then followed the battles of the 29th and 30th.

At 8.40 P. M. of the 28th Halleck telegraphs: "There must be no further delay in moving Franklin's corps toward Manassas. They must go to-morrow morning, ready or not ready. If we delay too long to get ready, there will be no necessity to go at all; for Pope will either be defeated or victorious without our aid. If there is a want of wagons, the men must carry provisions with them till the wagons can come to their relief."

It is noticeable that this dispatch, as well as the previous one of 4.45, and also others, do not appear in McClellan's report as published in Supplement to "Rebel Record," p. 612. McClellan answers: "Franklin's corps has been ordered to march at six (6) o'clock to-morrow morning. Sumner has about (14,000) fourteen thousand infantry, without cavalry or artillery, here. Cox's brigade of four regiments is here, with two batteries of artillery; men of two regiments, much fatigued, came to-day. Tyler's brigade, of three new regiments but little drilled, is also here. All these troops will be ordered to hold themselves ready to march to-morrow morning; and all except Franklin to await further orders. If you wish any of them to move toward Manassas, please inform me.

. . . . Reports numerous, from various sources, that Lee and Stuart with large forces are at Manassas; that the enemy, with one hundred and twenty thousand men, intend advancing on the forts near Arlington and chain-bridge, with a view to attacking Washington and Baltimore."

This dispatch shows that he was holding in hand at least thirty thousand men. All this day of the 28th, all the preceding day of the 27th, Halleck had been ordering him to send men forward, and he complacently says, "If you wish any of them to move, please inform me."

To a true soldier, there was no need of any such order. The

roar of battle sounding in his ears should have been enough to have called him to the front, or at least to have induced him to let his men go.

August 29th, at 10.30 A. M., he says: "Franklin's corps is in motion; started about six (6) A. M. I can give him but two squadrons of cavalry. . . . If Sumner moves in support of Franklin, it leaves us without any reliable troops in and near Washington; yet Franklin is too much alone. What shall be done? . . . Franklin has but forty rounds of ammunition, and no wagons to move more. I do not think Franklin is in a position to accomplish much if he meets strong resistance. I should not have moved him but for your pressing order of last night." An hour and a half after, at 12 M., he says: "Do you wish the movement of Franklin's corps to continue? He is without reserve ammunition and without transportation." A few moments later he telegraphs: "Franklin has only between ten thousand and eleven thousand ready for duty. How far do you wish this force to advance?" At 1 P. M. he says, "Shall I do as seems best to me with all the troops in this vicinity, including Franklin, who I really think ought not, under the present circumstances, to proceed beyond Anandale?"

General Halleck must have been possessed of an angelic temper to be receiving this kind of dispatches when, two days before, he had ordered Franklin to move at once, and move to Manassas; and, indeed, his ire does seem to begin to awaken, in at least some small degree, for he replies at 3 P. M.: "I want Franklin's corps to go far enough to find out something about the enemy. . . . Our people *must* move more rapidly and find out where the enemy is. I am tired of guesses."

The next dispatch is, perhaps, the most remarkable of any in all this series of remarkable documents. It was sent at 2.45 P. M. of the 29th:

HEADQUARTERS ARMY OF THE POTOMAC NEAR ALEXANDRIA, VIRGINIA,
August 29, 1862, 2.45 P. M.

The last news I received from the direction of Manassas was from stragglers, to the effect that the enemy were evacuating Centreville, and retiring toward Thoroughfare Gap. This is by no means reliable.

I am clear that one of two courses should be adopted: first, to concentrate all our available forces to open communication with Pope; second, to leave Pope to get out of his scrape, and at once use all our means to make the capital perfectly safe. No middle course will answer now. Tell me what you wish me to do, and I will do all in my power to accomplish it. I wish to know what my orders and authority are. I ask for nothing, but will

obey whatever orders you give. I only ask a prompt decision, that I may at once give the necessary orders. It will not do to delay longer.

GEORGE B. MCCLELLAN, *Major-General*.

A. LINCOLN, *President*.

Under all the circumstances of the case—with a continuous series of battles raging for two days within his immediate hearing, battles upon which the fate of the republic hung, battles that must result as he chose they should result, by his giving or withdrawing aid, with the orders from headquarters that had been raining on him, urging, commanding him to render that aid upon the instant—it is difficult to speak of this dispatch and preserve equanimity. "To open communication with Pope" was what he was brought from the Peninsula for. It was what his superiors had directed him to do, not once, nor twice, nor thrice, but at least six times within forty-eight hours. It is not pretended that McClellan did not understand the English language; and, with all this multiplication of orders before him, he suggests "to open communication with Pope," as though the idea had not occurred to him before—as though he were broaching a novelty to General Halleck! It is now, however, a proposition that is "clear" to him.

The next suggestion is "to leave Pope to get out of his scrape."

Was ever such proposition before made by a soldier in regard to a companion in arms? Had he put those words into actual deeds instead! Had he upon the field of battle run away from his compatriots and left them "to get out of their scrape," he would have been shot for his cowardice, or hung for his treachery. He is not guilty of these things, for, although the willingness is evinced, the opportunity is not afforded.

When he says to the President that he only wants to know what to do and will do it, he exhibits a sarcastic irony that shows him to be an artist in language. Having for two whole days disobeyed every order sent him, he declares his readiness to "obey whatever orders you give."

Up to this time it appears that absolutely nothing has been done. McClellan is idling away his time in Alexandria, receiving orders that, as far as any practical result is concerned, might just as well have been sent to the Sandwich Islands. At 7.50 P. M. Halleck again telegraphs: "You will immediately send construction trains and guards to repair railroad to Manassas. Let there be no delay in this. I have just been told that Franklin's corps stopped at Anandale, and that he was this evening in Alexandria. This is

all contrary to my orders. Investigate and report the fact of this disobedience. That corps *must* push forward, as I directed, to protect the railroad and open communication with Manassas."

McClellan replies: "It was not safe for Franklin to move beyond Anandale, under the circumstances, until we knew what was at Vienna. General Franklin remained here until about 1 p. m., endeavoring to arrange for supplies for his command. I am responsible for both these circumstances, and do not see that either was in disobedience to your orders. Please give distinct orders in reference to Franklin's movements of to-morrow. . . . In regard to to-morrow's movements I desire definite instructions, as it is not agreeable to me to be accused of disobeying orders when I have simply exercised the discretion you committed to me."

On the 30th, at 9.40, Halleck again telegraphs: "I am by no means satisfied with General Franklin's march of yesterday, considering the circumstances of the case. He was very wrong in stopping at Anandale. Moreover, I learned last night that the quartermaster's department would have given him plenty of transportation if he had applied for it any time since his arrival at Alexandria. He knew the importance of opening communication with General Pope's army, and should have acted more promptly."

At 12.20 Halleck still telegraphs, "Send the troops where the fighting is."

At 2.15 he says: "Franklin's and all of Sumner's corps should be pushed forward with all possible dispatch. They must use their legs and make forced marches."

At 1.10 p. m. of the 30th McClellan says to Halleck, "I know nothing of the caliber of Pope's artillery." In his report (Supplement to "Rebellion Record," p. 609) upon August 21st, he had telegraphed Halleck from Fort Monroe, "I have ample supplies of ammunition for infantry and artillery, and will have it up in time. I can supply any deficiency that may exist in General Pope's army."

At 10.10 p. m. of the 30th Halleck telegraphs: "All of Sumner's corps on the south side of the river not actually required in the forts should march to Pope's relief. . . . Franklin should also be hurried on to reënforce Pope."

This closes the record of those momentous days. It is a record of shuffling, of evasion; of pretending to do and doing nothing—a semblance of action without action, that Mr. Greeley, in his chapter on the subject, characterizes as "McClellan marking time."

It is a record of Halleck's continuous and persistent attempts to

succor the beleaguered forces of the nation ; a record of continuous, persistent thwarting of those attempts. For four days, beginning with the 27th, fighting had been going on, and the thunder of the captains and the shouting were heard in the streets of Washington. Although portions of the Army of the Potomac reached General Pope before McClellan arrived at Alexandria, yet after that date not a man from him came upon the field of battle until the strife was over. The crisis was past, the army fell back to Washington, and came under McClellan's command. This result could not have followed had Pope been the victor, and Lee crushed upon the field of Manassas. The successful General would have been the man for the emergency, and McClellan's star would have set in obscurity. It is not, perhaps, given us to divine what might have been ; but General Halleck, who supervised the whole field of operations in that important campaign, is thus questioned : "Had the army of the Peninsula been brought to coöperate with the Army of Virginia with the utmost energy that circumstances would have permitted, in your judgment as a military man, would it not have resulted in our victory instead of our defeat ?"

Answer. "I thought so at the time and still think so." (1 Committee on the Conduct of the War, p. 454.)

If, in view of all these dispatches, it can be shown wherein McClellan did anything to "save the capital," he should have the full benefit of all his patriotic efforts. The reports of the Army of the Potomac while on the Peninsula, above referred to, show that during all that time he had never less than one hundred thousand men present for duty ; of all this large army Reynolds's division and the corps of Heintzelman and Porter, twenty thousand five hundred strong, were the only ones that joined General Pope in time to take part in the fighting. After McClellan came on the scene of action at Alexandria, great care was taken that not another musket should go forward, except at just such time and at just such place as should effectually insure its arrival precisely too late ; and under just such circumstances as should "leave Pope to get out of his scrape."

Had this been the objective point of the campaign, military genius could have accomplished no more thorough method of obtaining the desired end than that which was adopted.

This written record demonstrating as it does that the chief actor in these events purposely withheld reënforcements from his struggling countrymen, his motive for so doing is quite apparent.

The failure of the Peninsular campaign being complete and overwhelming, the only problem remaining was, how to get McClellan and his army away alive. The Government and the North being in a state of mind bordering upon despair over the great disasters, it is plain that their author was in a fair way of being speedily shelved. The new officer who had come from the West, and had shown a zeal and aptitude for fighting in strongest possible contrast with the inefficient commander of the Army of the Potomac, in case of success, could not have failed to supersede the General who, with unlimited resources at his disposal, had only insured unlimited supply of defeat.

It is not believed that McClellan was a traitor. In contemplation of his own fortunes, he had lost sight of all other interests, and that it was his premeditated and foreordained purpose that Pope should be defeated and driven back to Alexandria, that he might again come into command, like a phoenix rising from the ashes of his country's woes, is an inference not to be resisted, upon reading his own words during these days of trial. It was the inference that irresistibly forced itself upon the minds of Mr. Lincoln and his Cabinet at the time, and McClellan himself records the evidence in his own reports. It is the record of the shame, the humiliation of this great republic, when it prostrated itself in the dust before the man whom it believed to be untrustworthy, and in sackcloth and ashes besought him to be true to the national flag.

It was upon the 1st of September. The fighting was over. The wrong had been done, and it was too late now for remedy. The report states: "The President informed me that he had reason to believe that the Army of the Potomac was not cheerfully coöperating with and supporting General Pope; and that he had always been a friend of mine, and now asked me, as a special favor, to use my influence to correct this state of things." Does history relate anything comparable to this? This was the President of the United States!

The immediate presence was the awful question whether there was any United States or not! While the whole fabric was tottering under the earthquake of rebellion, the Chief Magistrate implores of the subordinate he had made famous to correct what, if true, was simple treason.

Of this situation, Draper's "History of the Civil War" says: "Though there was never purer patriotism than that which animated the soldiers of the Army of the Potomac, that army had been

brought, through the influence of officers who surrounded General McClellan, into a most dangerous condition—dangerous to the best interests of the nation—of having a wish of its own, and that wish in opposition to the convictions of the Government. In armies it is but a short step from the profession of a wish to the expression of a will. Perhaps at no period of the war were thoughtful men more deeply alarmed for the future of the nation than when they heard of the restoration of McClellan to command and recognized the unmistakable constraint under which the Government had acted.”

The report continues (Supplement to “Rebellion Record,” p. 617): “The President, who was much moved, asked me to telegraph to Fitz John Porter, or some other of my friends, and try to do away with any feeling that might exist; adding that I could rectify the feeling, and no one else could.”

The ears tingle that hear it, but the Government was afraid of McClellan, although they were the only individuals in whose breasts he ever awakened that sentiment. Graciously complying with the Presidential request, a dispatch is sent to Fitz John Porter. It is a dispatch breathing the spirit of patriotism. It is full of noble ardor—very full, almost to bursting. Porter’s reply also breathes the spirit of patriotism. It is also full of noble ardor—more so than the other one. It is so strong in these respects as to be admirable. Porter says, “You may rest assured that all your friends, as well as every lover of his country, will ever give, as they have given, to General Pope their cordial coöperation and constant support in the execution of all orders and plans.” “As they have given”! Porter was the man who, with a splendid corps of fresh troops, lay all day in sight and sound of battle, without lifting a finger to the rescue, except to retreat, because he thought his friends were getting the worst of it. “As they have given!”

If this reply is read with the proper emphasis on these words, and appropriate facial expression, it is at once seen that Fitz John Porter takes rank with Artemus Ward as among the first of American humorists. It may be possible that Mr. Lincoln and his Cabinet were wrong in believing McClellan responsible for all this failure and disaster in front of Washington. The judgment of history must determine.

Pope had been left “to get out of his scrape.” He had been summoned from the West to render such assistance to the Government as was possible, in extricating the Army of the Potomac and

its incompetent chief from the swamps of the Chickahominy, when the latter was calling for reinforcements "rather over than under one hundred thousand men." There is probably not an instance in the annals of war where a forlorn hope was organized and sent forth on an expedition of self-immolation under such circumstances as that which surrounded the "Army of Virginia." From the beginning its leader was thoroughly aware that the future had in store for him no success in deeds of arms. Gladly would he have avoided the duty imposed upon him, but the sacrifice was demanded, and the victim did not shrink. At no time did he entertain a thought of victory, and yet it was necessary for him to assume the rôle of prospective conqueror, to deceive if possible the enemy opposed to him. The game of "bluff" was adopted with premeditation as a regular part of the programme, with an entire knowledge of the obloquy that such a course must entail. It was loudly given out that an advance on Richmond was in instant contemplation, and that nothing could stay the onward progress of a force altogether adequate to the occasion. It was a *ruse de guerre*, and it succeeded; for the rebel authorities were alarmed, the hosts of the Peninsula were forgotten, and the new foe occupied the entire field of vision.

Those who choose to examine the Northern papers of July and August, 1862, can not fail to observe how the trumpets were sounded and the cymbals were clashed, with prodigious fury, in regard to the great events about to transpire. The extent of General Pope's army was forty-three thousand men, and he set forth to overwhelm Lee, whom McClellan was telegraphing as having two hundred thousand. The actual truth, as it was understood at the time, is stated in the report of the General of the Army of Virginia: "I well understood, as does every military man, how difficult and how thankless was the duty devolved upon me, and I am not ashamed to say that I would have gladly avoided it, if I could have done so consistently with my sense of duty to the Government. To confront with a small army vastly superior forces, to fight battles without hope of victory, but only to gain time, and to embarrass and delay the forward movement of the enemy is, of all duties, the most hazardous and most difficult that can be imposed upon any general or any army. While such operations require the highest courage and endurance on the part of the troops, they are, perhaps, unlikely to be understood or appreciated, and the results, however successful, have little in them to attract popular attention and applause. At no time could I have hoped to fight a successful battle with the im-

mensely superior force of the enemy which confronted me, and which was able at any time to outflank me and bear my small army to the dust. It was only by constant movement, by incessant watchfulness, and hazardous skirmishes and battles, that the forces under my command were not overwhelmed, while at the same time the enemy was embarrassed and delayed in his advance upon Washington, until at length the forces from the Peninsula were assembled for the defense of the city. I did hope that, in the course of these operations, the enemy might commit some imprudence, or leave some opening of which I could take such advantage as at least to gain a partial victory over his forces. This opportunity was presented by the advance of Jackson upon Manassas Junction ; but, although the best dispositions possible under the circumstances were ordered, the object was frustrated in a manner and by causes which are now well understood."

That General Pope fulfilled the requirements of his position is shown by the correspondence between himself and the authorities. His sole mission was to delay the advance of the enemy, and so early as August 25th he says to Halleck : "You wished forty-eight hours to assemble the forces from the Peninsula behind the Rappahannock, and four days have passed without the enemy yet being permitted to cross. . . . I understood that the army was to maintain the line of the Rappahannock, until all the forces from the Peninsula had united behind that river. I have done so. I understood distinctly that I was not to hazard anything except for this purpose, as delay was what was wanted." In his reply to this, Halleck states : "Not the slightest dissatisfaction has been felt in regard to your operations on the Rappahannock. The main object has been accomplished, in getting up troops from the Peninsula." Upon the termination of the campaign, General Halleck expressed his acknowledgments of its results in terms of the highest praise.

To Pope, in his dispatch of August 31st, Halleck says : "You have done nobly. . . . I am doing all I can for you and your noble army. God bless you and it !"

Upon his return to Washington, the President, General Halleck, and the Secretary of War signified to General Pope their high appreciation of the vigor and skill with which he had conducted the campaign, and their entire satisfaction with its results. Nor did they hesitate to express their indignation at the treacherous conduct which, by withholding aid and refusing to act at the opportune

moment, had converted the promise of victory into disaster. The authorities demanded of this officer an instant official report of his operations, which was at once prepared. But in twenty-four hours the Government had changed its tone. President Lincoln would at once have decapitated McClellan, even if he had not summoned a court-martial, as was afterward done with regard to Porter, who was a mere tool. But Stanton was afraid. With all his bluster, the great War Secretary was a great coward. He was afraid that the arrest of McClellan would cause a revolt in the Army of the Potomac. And so he temporized; McClellan was restored to the command, and Pope was left to endure an undeserved obloquy.

The first collision was at Cedar Mountain upon the 9th of August. From that time until the 31st every day witnessed a series of skirmishes, battles, and marches without cessation. Hardly an hour passed without the roar of cannon and the rattle of small-arms. The enemy was flushed with victory. They had hunted McClellan to his hole upon James River, and, in the full pride of success, had turned to crush a new foe. The Army of Virginia sullenly retired, presenting at all times an undaunted front, for it was the only shield between confident rebellion and the capital of the nation.

Its leader was animated by one spirit only. Upon the last day of his fight, when pressed by the enemy in front, and in rear surrounded by those upon whom he knew he could not depend, yet game to the last, he dispatched to Halleck: "You may rely on my giving them as desperate a fight as I can force our men to stand up to. I should like to know whether you feel secure about Washington should this army be destroyed. I shall fight it as long as a man will stand up to the work." This shows nothing of the white feather.

There is now no complaining of what had been done or what had not been done. There is but one thought, but one purpose. He proposed to do his duty.

"If I save this army now, I tell you plainly I owe no thanks to you or any other persons in Washington. You have done your best to destroy this army."

This was what the other man said; and it is plain, as stated in the April article, that Pope and McClellan ought not to be named in the same century. Of course not!

The Army of Virginia is consigned to the realms of history, with the brief eulogy pronounced upon it by competent authority,

who, after reviewing the events which have been narrated, speaks thus :

“The Army of Virginia appears to have nobly performed the arduous and perilous work committed to its hands. Its campaign was brief, but marked by signal vigor and ability, and animated by a spirit which, shrinking from neither toil, exposure, nor danger, bravely struck the enemy whenever and wherever he could be found.”

D. THEW WRIGHT.

THE TAXATION OF CHURCH PROPERTY.

A QUESTION of great local interest, as connected with this subject, has just been settled by a unanimous vote of both Houses of the Congress of the United States. The principles involved, however, in the local question have universal application, and are therefore of general interest.

The general tax law for the District of Columbia, passed by Congress in the year 1874, did not in express terms exempt churches from taxation. The law levied a tax on the present assessed value of all property not exempted, and contained no clause repealing former exemptions.

Under this act the Commissioners of the District created on their authority a board to assess the churches, and proceeded to enforce the tax; and where the churches declined to pay the tax, for reasons hereafter to be stated, the Commissioners advertised and sold and bought in, in the name of the District of Columbia, all of the churches of the District, with three exceptions—the aggregate value of the church property being \$1,590,744, and the aggregate tax being in round numbers \$46,500.

The grounds upon which the churches declined to pay the tax were:

1. The churches had no "present assessed value," had never been assessed, but always exempted; and the act imposed a tax on the "present assessed value."

2. The act contained no clause repealing the former exemptions; notably the general exemption of 1870, which "exempted church property from any and all taxes."

3. The act exempted "charitable and educational institutions," and the churches claimed to be both charitable and educational.

A committee was appointed, consisting of Rev. Drs. Pitzer, But-

ler, and Bittering, with Messrs. Pratt, Casey, and Ballantyne, "to present the whole subject to Congress, and procure, if possible, the passage of a bill to relieve the churches from this illegal tax, and to restore the titles to the trustees or other persons who held the same at the time of the tax-sale."

After prolonged and careful consideration of the whole subject, Congress has by a unanimous vote in both Houses passed the bill "to relieve the churches from this tax, and to restore to them their titles to their houses of worship."

The present law, as agreed upon by Congress and the committee representing the churches, is to exempt "only church-buildings in actual use for purposes of worship only, together with the ground on which they stand." All other property belonging to religious corporations not thus used is taxed equally with other taxable property. Or, if the church-building is used for purposes of business gains, the property is taxed to the extent of this use and value. All church property not used for purposes of worship is taxed just as other property. These results have been reached after more than three years of investigation and study by the highest legislative body of the land, and have been concurred in by the churches of the District of Columbia.

As has been remarked, the principles involved have a general application throughout this country, and even in all countries where there are houses of worship and property belonging to religious corporations. President Grant devoted part of one of his annual messages to Congress to the discussion of this question; the Legislatures of several large and influential Commonwealths have appointed special committees to examine and report on the subject of "church taxation"; ministers' meetings and church councils have discussed the reasons for and against exemptions; the press, both religious and secular, has kept the matter before the public; and it is evident that the policy of the past is to be thoroughly reviewed in the light of the present.

The census of the United States for 1870 gives the total value of church property in the United States in round numbers at three hundred and fifty million dollars. The shrinkage in the value of property since then would be made up in the natural growth and increase of the churches in these nine years, so that perhaps the result of the census of 1880 will not differ materially from that of 1870.

This property is distributed among the larger and leading de-

nominations as follows : the Baptists hold forty millions of church property ; the Methodists, seventy millions ; the Presbyterians, forty-seven millions ; the Roman Catholics, sixty millions ; the Episcopalians, thirty-six millions ; the Congregationalists, twenty-five millions ; the Lutherans, fourteen millions. Various smaller bodies hold the remainder of the three hundred and fifty millions.

All kinds of religionists hold and use church property on terms of equality. In this matter all are treated alike ; there are no distinctions on account of creed, color, or condition : Jews and Gentiles, Christians and Mormons, Romanists and infidels, white and black, have just the same rights and privileges. If this property were divided *per capita*, each person in the United States would have about nine dollars' worth.

It is a question, however, whether the value of church property does actually aggregate so much as three hundred and fifty million dollars.

The only true test of values is, What will the property bring in the market? and, estimated by this test, the value of all church property in the United States will fall far below the sum given in the census.

As a general rule, churches have no market value. The ground, of course, is worth about as much as that in the adjoining lot; the building is almost worthless for any other purpose than that for which it was erected, and, when sold, generally brings no more than its worth as old building-material. Of course, there are exceptions to this general rule, and some churches that can be utilized, at small cost, for other purposes, sometimes command high prices, and bring the full amount of what they cost. It is seldom that any house of worship will sell for as much as it cost to build it. And, if the census valuation is based on the cost of the churches, it is far too high. It is more than likely that all the church property in the United States would not, to-day, yield, if sold at public sale, so much as two hundred million dollars.

The real issue, however, now before the country is, not how much property do the churches own, but shall this property, much or little, be taxed, just as other property is? Will it advance or retard the interests of the State to impose a tax on church property of every description, just as other property is taxed? It should be remembered that the State in this country does not know or recognize the Church as such. Owing to the separation of state and church, trustees are elected or appointed by the churches to hold

property in trust for the use of the congregation ; and these trustees are recognized by the civil authorities, and dealt with just as other trustees are. The uniform policy of the State has been to exempt these trustees from the payment of taxes, because of the uses to which the property held by them was applied.

The Church, as such, has never asked, much less demanded, of the State exemption from the payment of taxes.

The Church has never put forth the plea that it was the Church of God, that its property was used in his worship, and was not, therefore, amenable to the laws of the Commonwealth. It has never claimed that the State ought to favor any particular form of religion, or that it ought to aid in the support of any church. The Church, as such, has never advanced or urged any claims whatever on this subject ; nor does she now demand of the State recognition or support. "God alone is Lord of the conscience," and every man must be absolutely free to worship or not worship. The State can not enjoin a religion on men.

It is needless to argue the question that it is detrimental to the interests of the State to permit any corporation or body of trustees to hold, free from taxation, large amounts of property *unused*, no matter for what purposes such property is held in trust.

History is filled with warnings as to the great injury inflicted upon the state by allowing, free from taxation, religious corporations to acquire and hold large amounts of real estate, not actually used for purposes of religious education and charity. In some instances one half of the landed estate of the realm has been held, free of taxes, by religious corporations or orders, and so held as to be inalienable for ever—held by *mortmain*, "the dead hand."

The danger in this country from the operation of a like principle is not quite so small as some persons think. There are large amounts of real estate and other values, not in actual use for any purpose, held by corporations and other bodies, free from taxation, with a grasp almost as tight and unyielding as the *mortmain*. And in some cities and States the political power of such bodies is so great that the civil authorities make annual appropriations for their benefit. The press of the land is to be commended for constant watchfulness of such appropriations.

In many States the amount that may be held by any religious-body is carefully limited by law, and this provision seems a wise and proper one. When the State grants privileges or aid to any

one body or corporation, not granted to all, it is guilty of gross injustice and wrong.

As a matter of fact, the State, meaning by State the civil power, has from the very beginning of government in this country, and in all of its branches, whether national, State, or municipal, exempted churches from the payment of taxes ; and let it be remembered that this exemption was made, not upon application or demand of the Church, but was made by the State on its own motion, of its "own free will and accord."

The right of the State to tax all property under its jurisdiction has never been questioned. \No property of any sort may demand of the State, as its right, exemption from "bearing its fair proportion of the burdens of government." \

But the right of the State to tax any property involves of necessity the corresponding right to exempt any property from taxation. If this proposition is denied, and the assertion is made that the State has no right to exempt churches from taxation, then it must be admitted that the State has the unchallenged and undoubted right to fix the rate at which all kinds of property shall be taxed ; and it may fix the rate of church taxation at so small an amount as to be, practically, exemption.

It is also said that, if the State exempts churches from taxation, it thereby contributes to the support of religion, thus creating a union of church and state, which is contrary to all the principles of American government, and subversive of the Constitution itself.

If this assertion be true, it is most remarkable that the founders of the Government and the framers of the Constitution never once saw that they were acting upon this vicious principle when they made the exemption of churches from taxation a prominent feature in all their legislation ; for this exemption has been universal from the foundation of government in this land. -/-

Strange that the leaders in the march of civil and religious freedom, the men who fought against the union of church and state, should have crossed the Atlantic Ocean and established the very principle which in their deepest souls they cordially detested, and against which they embarked their lives, fortunes, and honor !

If the exemption of churches be unconstitutional, then it is still more remarkable that every branch of Government, national, State, or municipal, legislative, executive, and judicial, has for more than a century acquiesced in and endorsed this unconstitutional enact-

ment. What has been done for one hundred years throughout the length and breadth of this land, by all men of all parties, races, and creeds, ought to be regarded as a fair interpretation of constitutional law. Considered in this light, the exemption of churches is not unconstitutional, neither does it create or constitute a union of church and state.

And this uniform policy that has been pursued in the United States finds a sanction in the universal practice of all governments that have existed on this earth.

From the building of the city Enoch by Cain down to this day, no government has ever taxed the property used by the people for purposes of religious worship. In all lands, among all people, whether Jews or Gentiles, pagans or Mohammedans, Christians or Turks, savages or semi-barbarians, the worshipers paid no tax to the state upon what they held and used as sacred in their worship. Men have worshiped all manner of gods—Isis, Osiris, Baal, Moloch, Astarte, Buddha, Jupiter, Venus, the sun, the Nile, the cow, the serpent, the devil—but they have never been required by civil governments to pay a tax upon such property as was needful to their worship. If Pharaoh had issued an edict to tax the temple of On, the Egyptians would have seen to it that the dynasty was immediately changed. If Solomon had taxed the house of God at Jerusalem, his kingdom would have been dismembered before the reign of Rehoboam. If Cæsar had sent his deputy to assess and tax the temple of the great Ephesian Diana, a wiser man than the "town clerk" could not have appeased the people.

In the light of this universal usage, and the unchallenged exemption of churches by legislation in this country since its first settlement, it is an interesting question legally to what extent have the churches acquired vested rights which all courts are bound to respect and will respect.

If no *ex post facto* laws can be enacted, if vested rights have been acquired under contracts legally made, is it competent for legislative bodies to tamper with, much less to destroy, sacred rights that have been thus secured, and some of them enjoyed for more than a hundred years?

If certain persons under a special charter, or a general law of incorporation, invest money, and have it held in trust for certain uses, and, by compliance with the letter and spirit of the law, secure for themselves and successors rights of any kind, is it competent for subsequent legislation to divest them of these sacred rights?

The Supreme Court of the United States would scarcely enforce a tax upon any house of worship in any city or State, if, at the time the house was built, there was in force a law exempting such houses of worship from taxation. The decision of the Court in such a case, if carried up on appeal, would be more than usually interesting reading.

The question has doubtless suggested itself already, Upon what principle and for what reasons has church property been thus universally exempted from taxation? Why has civil government in all ages and among all people exempted from taxation that property of its citizens held and used for purposes of religious worship?

The origin of this exemption is, doubtless, to be sought and found in the imperishable and indestructible religious element of man's nature. Whatever else man may be, he is a religious creature—he has a god of some kind, and a worship of some kind. And perhaps it was an instinctive feeling of this religious element that whatever was used in the worship of the gods was, by that very use, separated from the ordinary laws and usages of business and property; and to subject such property to the ordinary laws of taxation seemed almost, if not altogether, sacrilege.

But it is not the purpose of this article to enter upon this line of investigation, but to answer, if possible, the specific question, "Upon what principle can the civil authority in the United States justify its exemption of church property from taxation?"

If the State has the right to tax or to exempt from taxation any and all property, then it may be assumed as almost an axiom *that, whenever and wherever the exemption of certain kinds of property will be of more benefit to the State than the taxation of such property, it is not only the right but it becomes the duty of the State to make the exemption.*

The State has always exempted from taxation other classes of property than churches—notably, reform-schools, and institutions for reclaiming the young of both sexes from criminal lives; hospitals for the aged, the blind, the deaf and dumb, the indigent, the insane; colleges and seminaries; and the burial-places of the dead.

No clamor has been raised because this class of property has been free from the payment of taxes.

When benevolent men and women came forward, and donated lands and money to erect houses and provide funds, so that the youth of the land might have an opportunity to return to the paths

of virtue ; so that the blind, the indigent, the homeless, and helpless might have food, raiment, and shelter ; so that the dead might rest in their graves free from the tax-collector's visits—when property was thus given and used, all men felt that the founders of such institutions and the property thus given were both “bearing their fair proportions of the burdens of government,” and that it would be unjust and brutal to subject such property to the ordinary laws of taxation. It was felt by all men to be the duty of the Government to encourage such blessed helpers and helps by exempting such property from taxation.

It is lightly said, in these days, “Oh ! tax all property of every kind alike.” Will the men who thus speak stand in the presence of any intelligent audience and advocate the taxation of some favorite orphan asylum, where scores and hundreds of fatherless and motherless children are watched over with the tenderest love and most incessant care ? Will these men stand before the living, and argue and urge that the old graveyard, hoary with age and moss and faded tombstones, shall pay its annual tax into the coffers of the State ? Will these men plead that the schools founded by noble philanthropists for public education shall be taxed equally with the brewery and the distillery ? Will these men teach that the homes where the aged of both sexes, indigent and almost friendless, are sheltered, shall be taxed equally with beer-gardens and billiard-saloons ? Which will yield the largest benefit to the State, to the welfare and prosperity of all the citizens, to tax or to exempt from tax this class of property ? Does not every intelligent man know that all such property is bearing its proper part of the burdens of government, indirectly, it is true ; and that the exemption is worth far more to the State than any tax would or could possibly be worth ?

It has been recognized and admitted, by thoughtful men of all parties and creeds, that it was a wise and righteous thing for the State to exempt from taxation property given and used for purposes of public reformation, public charity, and public education. If patriotic and charitable citizens could be found who would give lands, buildings, and moneys, for the education, the reclamation, and the relief of the ignorant, the criminal, and the indigent classes of the community—saving thereby to the State thousands of dollars annually in taxes to aid and relieve these very classes of persons—then it would be the duty of the State to encourage these patriotic citizens, at least, to the extent of exempting such property from

taxation. Were it not for the existence of such institutions in all parts of the land, it is easy to see that the general taxes of the people would be largely increased, in order to fill the places occupied by these institutions, and to perform the educational, reformatory, and charitable work now done by them. All such property does bear its just proportion of the burdens of government, and no lengthy argument is needed to vindicate the wisdom and righteousness of its exemption from taxation. This policy of exemption has been one of the most potent causes in increasing the number and efficiency of such institutions. Let the question be seriously pondered, Will a tax on hospitals, asylums, reform-schools, etc., increase or diminish the revenues of the State? and perhaps but one answer will be given by those who think, and that answer will be, "A tax on such property will not add to but will decrease the revenues of the State."

It would seem to be the highest wisdom and the best policy, on the part of the State, to exempt from taxes property used for purposes of education, reformation, and charity.

And if this be so, then the inquiry is raised, Does church property belong to either one of these categories, or does it include, in fact, all three? Is the Church an institution of reform, of education, and of charity? Is church property used for purposes of reformation, of education, and of relief?

Every church in this land is, to a greater or less degree, a reform-school—is a place where efforts are unceasingly made to win back men from vice and crime, and where all the sanctions of God, of moral law, and eternal retributions, are brought to bear upon the minds and hearts of men, women, and children, the old and the young, to save them from crime, and to keep them in the paths of truth and virtue. If it be alleged that the Church, both in its members and ministers, has furnished some of the most notorious examples of criminality, the fact is admitted; but two comments are made: 1. These persons became criminals not because of, but in spite of, the teachings of the Church; and, 2. The number has been amazingly small: the proportion of ministers, out of sixty thousand persons who were tried and convicted of crime during the past year, was *one fifty-seventh of ONE per cent.*

It is simply impossible to estimate the material benefits that accrue to the State from the influence of the Church in repressing crime and in reforming men. If this influence were entirely withdrawn from any community, property of all kinds would imme-

diately become worthless. Few men of sense would have invested in property in Paris in the time of the ascendancy of the Commune ; or in Zululand during Cetawayo's reign. Patriotic, benevolent, and ~~lent~~, and God-fearing men have freely given lands and means to erect houses whence, day after day, an immense influence issues forth to repress lawlessness and to reclaim the wrong-doers ; it is wise and right for the State to say, This property thus used is bearing a fair proportion of the burdens of government, and it shall be free from taxation.

Besides this, the Church is, by the very law of its existence, a charitable institution. How much is saved to the State each year, in the matter of taxes to support the poor, by the charities of the Church, we have no means of estimating accurately. There are over sixty thousand churches in the United States, and it is safe to say that, on an average, at least one person would be supported in whole, or in part, by each one of these churches ; true, some of these churches would give nothing, but others would maintain scores of indigent persons ; so that we have the churches of our land cheerfully supporting each year at least sixty thousand persons ; relieving, by this immense amount, the State from additional taxation to support its poor.

Another matter to be carefully considered is that the Church is, *par excellence*, an educational institute. Her commission is, "Teach the nations."

Consider that to-day the Church has furnished for the use of the public, without the cost of one cent to the State, sixty thousand houses, where sixty thousand teachers—many of them trained and accomplished men, many of them of the very highest order of ability—teachers all of whom are supported entirely by the Church, without one dollar of aid from the Government ; and that these sixty thousand men devote all of their time, year after year, to the education of all who choose to come, in the highest and best of all knowledge.

Add to this the further fact that the Church has gathered into her one hundred thousand free Sabbath-schools not less than six million scholars, and not less than six hundred thousand teachers, and has furnished to these scholars and teachers five million books for free circulation, besides catechisms, lesson-helps, papers, reviews, and magazines innumerable. These figures give some faint idea of what the Church is doing as an educator in this country ; and let it be remembered that these schoolhouses, these

teachers, these books, these papers, are all given to the free and unrestricted use of the public, without the cost of one cent to the State.

The State imposes on her citizens heavy taxes to erect her public-school houses and to sustain her public-school system, and all school property is exempt from taxation. Here is an immense free-school system for the benefit of the entire public, conducted without expense to the State, and yet unthinking men flippantly exclaim, "Oh, yes, tax churches, tax all property alike!" When forty thousand Sabbath-school teachers and scholars march annually in Brooklyn at their May anniversary, let the observing bystander ask, "Why should this Brooklyn school system, so free, so beneficent, be taxed?"

If churches are to be taxed, then let it be understood that the axe must be laid also to the root of many other trees.

If reform, charitable, and educational institutes are exempted from taxation, then we ask upon what principle of equity and righteousness shall the Church, which combines in herself all three of these features in a preëminent degree, be subjected to taxation? Nay, is not the Church, in some sense, the mother of all reform and charitable institutions, of all hospitals and asylums that exist? Why shall the daughters go free, and the mother of them all be taxed?

Some industries and institutions are esteemed of so much benefit to the State that not only are they exempted from taxation, but "protective laws" are enacted to encourage and foster them. And thus the State virtually pays a bonus for their existence and support; but there is no general outcry at the iniquity of this procedure. And yet there are many who exclaim at the injustice of the State when churches, the most beneficent of all institutions, are simply exempted from the payment of taxes.

Churches are generally built for the benefit of the public by the gifts of liberal-minded and patriotic citizens; they are not built for individual gain or profit, they are not conducted for the purpose of money-making; they are open to all who choose to come. The money necessary to erect and sustain them is donated to the cause of God and man; it passes away entirely from the donors; the title is vested in trustees for uses of worship, for the well-being of the whole public; and every man, whether he recognizes the fact or not, has an interest in every church in the land. The Church has never in this country asked aid from the State; on the

contrary, the State has received, indirectly it is true, thousands of dollars annually from the Church in the support of the Government.

As has been already indicated, there is abundant room for reform on this subject. Let all church property held for speculation or business gain, all property not in actual use for religious purposes, be subjected to taxation; let the State withdraw all aid heretofore given to sectarian institutions; let the amount of property to be hereafter held by any religious corporation be limited by express legislation; let no special charters, containing special privileges, be granted, except in a very few cases, where the equities are beyond dispute; let the Church learn to build less costly houses of worship; let her abolish the pew system, and make all sittings, as they ought to be, absolutely free to the general public; let the masses be convinced that the Church is sincerely and earnestly seeking their good; (let the Church cease from all attempts to exercise political influence and to dictate the policy of the State in secular matters,) ^{no} and we shall come much nearer to a solution of this question that will be satisfactory to all concerned.

Unless we are much mistaken, the principle adopted by the Federal Legislature will be generally adopted, viz.: Tax all church property not in actual and exclusive use for purposes of public religious worship; exempt from all taxation all property that is thus held and used.

The following brief propositions contain an imperfect summary of the subject:

1. The value of church property has been largely over-estimated.
2. It has been the uniform policy of the State in this land to exempt churches from taxation.
3. The Church has never demanded this exemption, but the State has spontaneously granted it.
4. The exemption was granted upon grounds of public policy, as being for the best interests of the Commonwealth.
5. The Church does indirectly bear its fair proportion of the burdens of government.
6. The exemption of churches does not violate the letter or spirit of the Constitution.
7. The Church is a reform, charitable, and educational institute; and if, as such, she is taxed, then must other such institutions be taxed.

8. The Church by her schools and charities saves to the State annually thousands if not millions of dollars.

9. Churches are not erected for purposes of gain, but for the general good.

10. If the uniform policy of the entire human race on this subject is to be reversed, it ought to be after mature deliberation, and for good and sufficient reasons.

A. W. PITZER.

RECENT PROGRESS IN ASTRONOMY.

It is impossible in this place to give any adequate account of recent astronomical papers of a mathematical character. Hence it is sought simply to submit brief analyses of some of the more generally interesting memoirs which have been published within the last few months. Even the list of these can not be made complete.

Decidedly the most important recent contribution of observing astronomy is the "Uranometria Argentina"* of Dr. Gould. This is the first astronomical publication of the National Observatory of the Argentine Republic.

One of the first objects of Dr. Gould, on the establishment of the new observatory in 1870, was the making of a uranometry of the southern sky which should contain the position and magnitude of every star visible to the naked eye at his station.

The model on which it is made is the celebrated "Uranometria nova" of Argelander, of Bonn, which was published in 1843. This latter contains 3,256 stars, from the first to the sixth magnitude, which are to be seen above the horizon of Bonn. Its magnitudes are expressed in *thirds* of a whole magnitude, and Argelander's scale, so established, has served for a standard in all observations in the northern hemisphere. Dr. Gould's problem was to extend this enumeration over the whole southern sky, keeping accurately to the standard set by Argelander. This is by no means an easy task, as the *minimum visibile* at Cordoba was found to be not the 6.0 magnitude, but 7.1; that is, stars can still be seen at Cordoba which have less than four tenths of the light of the faintest of Argelander's stars. This extraordinary transparency of the atmosphere required the extension of Argelander's scale downward, and that this was accomplished successfully is shown by a comparison of the

* "Resultados del Observatorio Nacional Argentino." Vol. i, "Uranometria Argentina," Buenos Aires, 1879, 4to, with Atlas.

magnitudes of all the stars which are common to the two uranometries. The mean difference is rather less than one tenth of a magnitude. The method of settling the standard was to select from the "*Uranometria nova*" a belt of stars which had the same altitude at Bonn and at Cordoba. The 722 stars of this belt were observed by the four assistants at the southern observatory (Messrs. Rock, Thome, Davis, and Hathaway), and those stars for which their estimated magnitudes were precisely the same were chosen for standards. Thus, a number of stars of each magnitude as 3.00, 3.33, 3.66, 4.00, 4.33, etc., became types to be constantly referred to. From these types a number of others in a zone near the south pole (and hence constantly visible) were constructed. The process of observation consisted in referring each star in the heavens to this set of types, so that its magnitude could finally be determined upon. This was done by the four observers independently, but often in duplicate, and so well were the standards fixed that each observer's comparisons differed from the mean of all four by quantities very much less than a tenth of a magnitude. It should be said that the magnitudes in the southern uranometry are given to tenths.

In all, there are 10,649 stars visible to the naked eye at Cordoba. Of these, 8,198 are as bright or brighter than the 7.0 magnitude, and these alone are given in the catalogue and in the maps. Of these 10,000 stars, more than 46,000 observations were made. In the progress of the work quite a number of variable stars were detected, of each of which a full history is given in the notes. Indeed, Dr. Gould's firm conviction is, that "stellar variability is by no means an exceptional phenomenon, but that at least one half of the stars above the 7.0 magnitude vary by amounts which careful observation can not fail to detect."

An atlas of fourteen charts accompanies the catalogue, and gives an exact pictorial representation of the state of the sky at the epoch of the work. Besides giving a representation of the isolated stars, the shadings and gradations of the milky way are given with the greatest detail from repeated observations and revisions. By no means the least valuable part of the work is the discussion of the course of the milky way throughout the whole sky. The course of the galaxy is now, and only now, known with precision. The data of this and preceding uranometries are discussed by Dr. Gould with reference to the question of the distribution of the stars in space, starting from the assumption that, on the whole, stars are equally scattered. Dr. Gould finds that there is a marked excess

of the stars from the first to the fourth magnitude. Furthermore, he finds that there is in the sky a zone or belt of bright stars as marked as the milky way, and that all the bright stars are distributed more symmetrically with respect to this belt than with regard to the milky way itself.

From these facts Dr. Gould concludes that "our own solar system forms a part of a small cluster distinct from the vast organization of that which forms the milky way." This cluster may perhaps be comparable with that of the Pleiades, since by a rough estimate it would seem to consist of about 500 stars. It is situated nearly in the plane of the belt of bright stars.

No more valuable work than this has been given to astronomy within a decade; and it will be a source of pride to Americans to find such important contributions coming from one of their countrymen in the southern hemisphere, with which the name of Gilliss was already indissolubly associated.

There are no marks about the work itself which would show that it was done in a community in about the state of Europe during the dark ages, and it will add not to the value of the work but to the credit of the workers if one remembers that this is strictly the case.

It has long been known to students of the philosophical writings of Emmanuel Swedenborg that he was the author of an elaborate theory of the origin of the solar and stellar system, which was the prototype of those now received. The facts in the case are briefly these: In his "*Principia*," published in 1734, a complete system of cosmogony was proposed in which the genesis of the planets and satellites from a primitive nebulous mass was maintained. The details of the processes imagined are given and illustrated with drawings in the fullest manner. Its resemblances and differences with the nebular hypothesis of Laplace we shall consider later. The question is now one of history. Laplace, in announcing his own theory in the "*Exposition du Système du Monde*" (1809), (note vii), quotes the theory of Buffon (1749), introducing it by the phrase "*Buffon est le seul que je connaisse, qui, depuis la découverte du vrai système du monde, ait essayé de remonter à l'origine des planètes et des satellites.*" A large part of this memorable note is given up to the refutation of Buffon's theory, which, though ill grounded according to Laplace, still serves as a point of departure for him, and without which the nebular hypothesis, as we know it, might not have had an existence. In the original statement of his own

theory Buffon gave no hint that he was acquainted with any previous one, but a mere chance has given us light on this question.

Mr. Bohn, the celebrated publisher of London, had in his possession about 1840 a copy of Swedenborg's "*Principia*," containing Buffon's own autograph, and bearing the marks of use. There is no doubt, when the essential points of the three systems are considered, that the suggestions of the system of Swedenborg (published fifteen years before Buffon's) influenced Buffon largely, and that the ideas of Buffon, together with the reflections on the construction of the heavens by the elder Herschel, led Laplace to the final form of his nebular hypothesis.

To complete the historical portion of this sketch, it should be said that Kant published his "*Theorie des Himmels*" in 1755, twenty-one years after the "*Principia*," but probably without obligation to it. While these facts have long been known to students of Swedenborg, they have been generally ignored by astronomers until the publication of M. Nyrén's notice on the subject.*

The theory of Swedenborg is too elaborate to be fully stated here. The essential points of it are given by M. Nyrén. A few extracts from Swedenborg's own work, in addition to those given by M. Nyrén, may better illustrate his position. He is a believer in vortices, not exactly like those of Descartes, but there is no ambiguity in his description of them: "The magnetic sphere, with its vortices, is a type and small effigy of the starry heaven. . . . Every particle of the magnetic element spontaneously endeavors to enter into a vortical motion, if there be only an active center round which it can gyrate. . . . There may be as many spiral vortices as there are active centers. . . . The sun [and each star] is an active center. . . . All things are similar to one another: . . . in the sphere of the magnet there are spiral vortices, in like manner in the sidereal heavens. . . . The second elementary particles are most highly compressed near the solar active space. . . . In this manner the number and quantity more and more increase, by reason of the successive compression of the elementaries, and also condense themselves round the solar space. The finites thus concrete into an immense volume, and crowd around and inclose the sun in such a manner as to form an incrustation. . . . Nevertheless, this crust which is formed around the sun is rotated in a certain gyre. . . . This crustaceous matter, being endowed with a continual gyratory

* "*Ueber die von Emmanuel Swedenborg's aufgestellte Kosmogonie.*" M. Nyrén, "*Vierteljahrsschrift der Astron. Gesell.*" Bd. 14.

motion round the sun, in the course of time removes itself farther and farther from the active space ; and, in so removing itself, occupies a larger circle of space, and consequently becomes gradually attenuated till it can no longer contiguously cohere, but bursts in some part or other. . . . The solar crust being somewhere disrupted on the admission of the vortical volume, collapses upon itself, and this toward the zodiacal circle of the vortex, so that it surrounds the sun like a belt or broad circle. This belt, which is formed by the collapse of the crustaceous expanse, gyrates in a like manner ; removes itself to a farther distance ; and, by its removal, becomes attenuated till it bursts and forms into larger and smaller globes ; that is to say, forms planets and satellites of various dimensions, but of a spherical figure."

All these successive stages are, in Swedenborg's original, accompanied with woodcuts which make his imagined processes plainer, and do away, in some manner, with the repulsive nomenclature which he adopted, and which can not be explained here.

An examination of the two systems of Laplace and Swedenborg leads to the result that one is the exact converse of the other. With Laplace, there is a primitive nebula, which in shrinking abandons rings of matter. These consolidate into planets. With Swedenborg, the rings or zones are thrown off from the sun in a tolerably solid condition ; and they contain, when thrown off, spherical masses in an advanced state of consolidation. Laplace's evolution takes place in order from the circumference to the center, so that the stuff of which the outer planets is made has the longest existed separate from the sun. With Swedenborg, it is the reverse. The recent researches of Mr. George Darwin on the evolution of the moon are most interesting in this connection. According to the results of a series of papers lately delivered to the Royal Society, the moon was primitively a solidifying body closely attached to the sphere of the earth—even touching it—and revolving with the earth in a few hours in the plane of its equator. As time went on, the variations in the time of revolution, in the inclination of the orbit, etc., took place until the present state was reached. If we must accept Mr. Darwin's late conclusions, it appears that they cohere much better with the hypothesis of Swedenborg than with that of Laplace ; and this fact, no less than the historical interest attaching to the origin of the nebular hypothesis, makes M. Nyrén's paper of importance.

For some years it has been generally received that the star α

Ursæ Majoris periodically changed its color from yellow through red to orange, etc., every thirty-two days. This supposed discovery was made in 1867 by Klein, and has been confirmed or at least not disproved by several subsequent observers.

The question is now tolerably well settled through a series of observations by Sáfárik,* who has chosen three other stars to observe simultaneously with this. He has shown that the variations in α Ursæ are no greater than in the case of these three stars, which are pretty certainly constant in color, and he gives it as his opinion that α Ursæ must be considered also as of a constant color unless we are willing to admit that all stars are variable in tint in short periods of time. This result is of more importance than at first sight appears, as we have now no well-authenticated case of variation in color separate from variation in brilliance.

Dr. Gyldén,† of Stockholm, has recently published a mathematical investigation in which he shows the possibility of explaining the observed variation in the light of stars upon pure mechanical principles. He takes as a basis the idea that the surfaces of such stars are covered in parts with a kind of crust or *slag* which gives out less light than the remaining parts of the surface which are glowing. Further, he supposes these stars to be rotating on their axes, and he shows that such a rotation will account for all the phenomena, particularly as the axis of rotation will itself be changed from time to time by the different disposition of the floating masses on the surface.

The Harvard College Observatory‡ has continued its researches on the photometry of stars and planets, and has published several important volumes on this subject within a few years. The results of these can not be given here, but a plan now in operation there should be described. Professor Pickering proposes to determine the relative amount of light of all stars visible at Cambridge, and has devised a most ingenious and effective piece of apparatus for the purpose.

This is an horizontal telescope which is directed to the west, and has two objectives. In front of each is a reflector. By means of

* "Ueber den Farbenwechsel von α Ursæ Majoris, von A. Sáfárik." Vierteljahrsschrift der Astron. Gesell. 1879. Pp. 367.

† H. Gyldén: "Versuch einer mathematischen Theorie zur Erklärung des Lichtwechsels der veränderlichen Sterne." 4to. Helsingfors, 1880.

‡ Harvard College Observatory: "Report of the Committee of the Overseers," etc. Cambridge, 1879. 8vo.

one of these the pole-star is constantly kept in the field of view as a standard of reference, while by means of the other any star on the meridian may be compared with it. To determine the effect of atmospheric absorption, a special list of circumpolar stars is being observed. In this way Professor Pickering intends to compare every star visible at Cambridge with Polaris, and thus to make an accurate photometry of more than three fourths of the heavens.

The whole subject of the nature of the phenomena of solar eclipses is in so undecided a state that even those who are most familiar with it are conscious of their incomplete knowledge of the data. A general review of the evidence on special points has been wellnigh impossible. Like all comparatively new problems, the different branches of the research have been developed in quite an irregular way. On some lines of research our knowledge is very considerable; on others, we have scarcely any trustworthy information.

This was specially a hindrance in the study of the phenomena of solar eclipses, because it is just here that we may hope for striking advances within a few years. And it is necessary, in order to plan our future work, to know what has already been settled, and along what lines of study results are to be sought. A recent publication of Mr. Ranyard's,* on the phenomena of "Solar Eclipses," is intended to meet these difficulties. Mr. Ranyard has collected in Volume XLI of the "Memoirs of the Royal Astronomical Society" (792 pages, 18 plates, and a great number of woodcuts) all the accounts of solar eclipses which have been published from the earliest times up to 1878.

Each account is cut up into parts, as it were, and the matter of each part is inserted in its proper chronological order, under one of forty-four headings, chosen by Mr. Ranyard with great care. Each heading constitutes a chapter, and the chapters are arranged about in the order in which the phenomena of which they treat occur. Thus, the chapters relating to the phenomena near first contact have for titles: Chapter VII. "The Cusps of the Solar Crescent seen as colored"; Chapter VIII. "The Moon seen as red before Totality"; Chapter IX. "Shadow-Bands"; etc., etc. Perhaps the most important chapters are numbered XLI, XLII, XLIII, XLIV: On "The Brightness of the Corona," on "Polaroscopic and Spec-

* *Memoirs of the Royal Astronomical Society*, vol. xli. "Observations during Solar Eclipses," by A. C. Ranyard. London, 1879. 4to.

troscopic Observations," and on "Photographs and Drawings of the Corona," respectively. The last chapter consists of 238 pages, and contains a reproduction of every important modern drawing. A very good feature of the woodcuts is that the axis of the sun is made vertical on the page, and the sun's vertex is marked also. The plates relate to the spectrum of the corona, etc., and to the photographs, etc., of the total phase. We are glad to notice that due credit is here given to Dr. Busch, who first took a daguerreotype of the corona in 1851, at Königsberg. The very varied material contained in the volume is made available by an elaborate subject and author index, and the chief problems which Mr. Ranyard set to himself are resolved. These were : 1. To give in the order of time all the important observations on each of the main topics of study ; 2. To enable the work of any particular individual to be examined ; and, 3. To enable each solar eclipse to be studied by itself if desired.

The work has required about nine years for its preparation, and is practically complete. We have simply to add to the data there given, and need never go back of it. In general, there is no complete discussion of the results to be derived from each chapter, and this reserve seems wise. In some cases the necessary conclusions are pointed out, always, it seems, with moderation. It is an unfortunate consequence of this kind of semi-bibliographical work that it will be severely criticised. Each chapter will appear inadequate to the specialist in the subject of which it treats. There can be no doubt but that Mr. Ranyard has succeeded in his most difficult task, and that this publication will forward the solution of the most important questions involved, in a very marked way. The work comes at exactly the right time, and satisfactorily fills its place.

The three periodic comets whose orbits have been the most carefully investigated are Encke's, Winnecke's, and Faye's. Their least distances from the sun are $\frac{34}{100}$, $\frac{78}{100}$, $\frac{169}{100}$ of the earth's distance respectively. It is well known that Encke's original researches indicated the existence of a resisting medium in space which, by opposing the motion of the comet through it, gradually shortened its period of revolution. All of Encke's computations were repeated by Dr. von Asten, and his general results confirmed. Dr. Möller, of Lund, executed a like work for Faye's comet, and found no such change in its period, and the conclusion was that, granting the existence of a resisting medium, it did not extend so far as one and a

half times the earth's mean distance. Dr. Oppolzer has just concluded a similar investigation for Winnecke's comet.* He finds that its motion is altered in the same way as that of Encke's comet, and the value of the resisting force is found to be almost the same as that found by Encke. Dr. Oppolzer goes further, and shows that, granting the existence of such a resisting force, its effect upon the motion of Faye's comet would be so small as to be confounded with uncertainties of the computed perturbations. The existence of the resisting medium is now rendered quite probable. The question will be definitively settled by computations now in progress upon the other comets of short period.

The buildings for the new observatory of the University of Strasburg† have been completed, and a description and plates of them made by the director, Dr. Winnecke. The principal instruments are :

1. A meridian circle by Repsold ; aperture 162 mm. (6·4 inches).
2. An altazimuth by Repsold ; aperture 136 mm. (5·4 inches).
3. A refractor by Merz ; aperture 487 mm. (20·2 inches).
4. An orbit-sweeper by Repsold ; aperture 163 mm. (6·4 inches).

There are three buildings—one large one, containing the residences of the astronomers, and two smaller.

On the main building is the large iron dome, some thirty-nine feet in diameter. There are two novelties in its construction : First, the shutters to the dome are made in two parts and extend from horizon to horizon. They are opened symmetrically by screws, and leave the whole 180° open at once. Secondly, the dome, which weighs about ninety thousand pounds, is turned by means of heavy weights which are wound up from time to time as required. A touch from the observer will release these, and their fall will turn the dome right or left as required. The working of this dome will be attentively regarded, as most of the difficulties of such structures appear to have been successfully avoided.

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* *Astronomische Nachrichten.*

† "Die neue Strassburger Universitäts Sternwarte, von A. Winnecke, Vierteljahrschrift der Astron. Gesell," 1879, p. 328.

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THE MONARCHICAL PRINCIPLE IN OUR CONSTITUTION.

THE people of the States of the American Union are, and have been since the declaration of their independence, subject to two governments—that of the individual States, and a Federal or national Government. Even before the American Revolution, and while the States were still English colonies, there existed in each province a Legislature composed of two Chambers. The House of Representatives was in all cases elected by the inhabitants, though in the greater part of the colonies the Upper House, as well as the Governor, who exercised, with or without a Council, the executive power, were named by the Crown, or by proprietors residing in England, to whom, in some of the provinces, had been accorded almost sovereign rights. At the epoch of the Revolution these governments were replaced by Constitutions adopted by the people, and based on their ancient usages. Governors and Councils and elective Senates were substituted for the officers named by the King or by the proprietors. Connecticut, however, preserved her government as established by the charter of Charles II till 1818, and Rhode Island hers till 1842. In these two States the inhabitants had alway selected the Governors, as well as the two branches of the Legislature.

These governments, and those adopted in general conformity to them by the new States subsequently admitted into the Union, con-

stituted the local Legislatures, to whom were confided all matters of internal administration, unless expressly conceded to the General Government. "The Revolution of 1776," Webster declared, "did not subvert government in all its forms. It did not subvert the local laws and local legislation." The two Houses of Congress in 1861, at the time of the commencement of hostilities between the North and South, announced that "war is not waged on our part in any spirit of oppression, nor for any purpose of conquest or subjection, nor for the purpose of overthrowing or interfering with the rights of established institutions of the States, but to maintain and defend the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects are accomplished that war ought to cease."

The Government of the old Congress was a revolutionary one, whose powers were derived not directly from the people, but from the people through the States, on whom it relied to give effect to its acts. It differed, however, from an international Congress in that the States submitted to be governed, in ordinary transactions, by a majority, without requiring unanimity.

A question has been made, in advocacy of centralization, by John Quincy Adams, as well as by Judge Story, whether the States, who declared their independence of Great Britain, as united colonies, could be considered to have ever had, individually, the rights of absolute sovereignty. The suggestion would seem to have been fully met by Upshur, who succeeded Webster as Secretary of State, in his able strictures on "The Commentaries of the Constitution."

According to the opinion pronounced by the Supreme Court of the United States in 1796, the powers of Congress, such as were exercised by them from their first meeting till the ratification of the Confederation in 1781, were in themselves revolutionary powers. The separate States retained all the rights of internal sovereignty, while Congress possessed all the rights of external sovereignty.

In a previous case, in 1795, it had been said that "the powers of Congress were powers revolutionary in their nature, arising out of events adequate to every national emergency and coextensive with the object to be attained. The Congress was the general, supreme, and controlling council of the nation. Congress raised armies, fitted out a navy, and prescribed rules for their government, conducted all military operations both by land and sea, emitted bills of credit, received and sent ambassadors and made treaties,

commissioned privateers, and prescribed rules for the distribution of prizes. In Congress were vested, because by Congress were exercised, with the approbation of the people, 'the rights and powers of war and peace.'"

The Articles of Confederation, as they were recommended by Congress in 1777, and adopted in 1778 by eleven of the thirteen States, and in 1779 by another State, became, after the ratification by Maryland, universally obligatory in 1781. This Constitution, as it may be appropriately termed, expressly retained for each State "its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled."

The Government established by the Articles of Confederation consisted of one representative body. In that body were united all the powers, executive, legislative, and judicial, which belonged to the United States. The members of Congress were annually chosen by the States, who might recall their delegates at any period of the year. A single vote was reserved for each State, and in certain cases the agreement of nine of the States was necessary for the adoption of a measure. Congress had power to appoint a "Committee of the States" to sit through the recess, and one of their number to preside, "provided that no person be allowed to serve in the office of President more than one year in any term of three years." The executive authority of Congress was exercised through departments accountable to them.

Congress had not merely ordinary executive and legislative powers, but had authority to create courts of prize, and to constitute tribunals to settle conflicting claims as to boundaries of States and as to titles derived from different States.

As regards foreign relations, the Articles accorded to the United States in Congress assembled the greater part of the powers granted to the Federal Government by the present Constitution, including the right and power of deciding alone and exclusively on the subject of peace and war, except in the case of invasion, the sending and receiving of ambassadors and of entering into treaties and alliances. It was stipulated that no State should alter the clauses of any treaties which had been concluded by Congress, or had been proposed by that body to the Courts of France and Spain; while, on the other hand, it was provided that no treaty of commerce should be made whereby the legislative power of the respective States should be "restrained from imposing such imposts and duties

on foreigners as their people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever." Thus, Congress had not the power of regulating foreign commerce or establishing uniform duties on importation. Custom-house duties, as well as the regulation of the tariff, were left to the disposition of the respective States.

The inefficacy of the requisitions made by Congress on the States, and the refusal, especially of Rhode Island, to grant to the General Government the power to levy duties upon merchandise imported from abroad, were among the most powerful motives for the adoption of the present Constitution.

Though there were undoubtedly many persons of influence—at the head of whom may be placed (though their views were not identical) Adams and Hamilton—who would have preferred a close approximation to what was deemed to be the theory of the institutions of the mother-country, and though Jefferson tells us that, on his arrival from France to assume the duties of Secretary of State, under Washington, he found the sentiments of the more wealthy or aristocratic classes to be in favor of an hereditary monarchy, yet we do not remember to have met with a single complaint, before the Convention of 1787, as to the form in which the authority of the Federal Government was exercised. Indeed, Mr. Sherman, of Connecticut, remarked in the Convention that "the complaints are, not that the views of Congress are unwise or unfaithful, but that their powers are insufficient for the execution of their views."

In none of the instructions to the delegates, either at Annapolis or Philadelphia, do we find any reference to an alteration of the then existing constitution of the Confederation, which vested in Congress the executive, legislative, and judicial powers. Much less was the substitution of a President with monarchical powers, for the officer elected annually to be the exponent of the body over which he presided, even suggested.

The American commentator of Blackstone remarks that the creation of a Federal Government was essentially different from that established by the Articles of Confederation. Leaving out Rhode Island and North Carolina was a breach of the article which declared them to be perpetual, and that "no alteration at any time hereafter shall be made in any of them, unless such alteration be agreed to in a Congress of the United States and be afterward confirmed by the Legislatures of the States." The validity of the

new compact, indeed, could not well be considered as authoritatively established till it had received the assent of all the members of the Confederation, which was not effected till Rhode Island, in 1790, came into the Union.

We may here note, what seems to have been overlooked by the advocates of centralization, that the cause of the change in the phraseology of the preamble to the Constitution from "We, the people of New Hampshire," etc., which was the form when it was referred to the committee on style, to that of "We, the people of the United States," was solely occasioned by the necessity of omitting from the enumeration of States Rhode Island, which had never been represented in the Convention.

The first suggestion of a national Government, consisting of an Executive, Legislature and judiciary, made in the Convention, is to be found in what was called the "Virginia plan." So far, however, was this *projet* from contemplating the adoption of the monarchical principle, that the mover of it, Mr. Randolph, proposed that the executive should consist of three persons, and his failure to enforce these views induced his withdrawal from the Convention without signing the Constitution.

The executive power of the United States is vested in the President by the second article of the Constitution. His principal enumerated powers are the command of the army and navy, and of the militia when in actual service, and the nomination, with the assent of the Senate, of ambassadors, judges, and of all other officers whose appointment is not otherwise provided for.

Upshur, in his work on "The Nature and Character of our Federal Government," says : "The most defective part of the Federal Constitution, beyond all question, is that which relates to the executive department. It is impossible to read that instrument without being forcibly struck with the loose and unguarded terms in which the powers and duties of the President are pointed out. So far as the Legislature is concerned, the limitations of the Constitution are, perhaps, as precise and strict as they could safely have been made ; but, in regard to the Executive, the Convention appear to have studiously selected such loose and general expressions as would enable the President, by implication and construction, either to neglect his duties or to enlarge his powers. We have heard it gravely asserted in Congress that, whatever power is neither legislative nor judiciary, is of course executive, and as such belongs to the President under the Constitution ! Be this as it

may, it is a reproach to the Constitution that the executive trust is so ill-defined as to leave any plausible pretense, even to the insane zeal of party devotion, for attributing to the President of the United States the powers of a despot—powers which are wholly unknown in any limited monarchy in the world.”

John Quincy Adams, in his discourse on “The Jubilee of the Constitution,” says : “It has perhaps never been duly remarked that, under the Constitution of the United States, the powers of the executive department, explicitly and emphatically concentrated in one person, are vastly more extensive and complicated than those of the legislative. The language of the instrument in conferring legislative authority is, ‘*All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.*’ But the executive authority is committed in unreserved terms. ‘*THE executive power shall be vested in a President of the United States of America.*’”

All testimony concurs in assuring us that an office of this magnitude would not have been created unless Washington had been intended to fill it. And in this connection we may well regard the duration of the term, as provided for in the Constitution, as immaterial. The same considerations which would induce the first appointment of him would continue him in office for life ; and whether he was to be reëlected every four years or every seven years was a matter wholly immaterial. As a general proposition, a term of four years was either too long or too short. If the President was merely to personify the chief of the state, an annual election, like that of the Roman consuls, would have been preferable. If he is really to be an efficient executive, uncontrolled, as the Constitution makes him, by any council, it would require an ordinary life to stamp his policy on the country.

What were the probable intentions of the Convention in creating an office for Washington, as a substitute for the hereditary throne to which others in similar circumstances might have aspired, may be deduced from the remarks of Adams, in the same connection with those cited : “The establishment of justice in the intercourse between the nation and foreign powers was thus preëminently committed to the custody of one man ; but that man was George Washington.”

We have had occasion, in discussing, some time since, in this journal, another subject, to refer to the exercise of the executive authority in the absence of all legislative enactments, in upholding

the neutrality of the United States when all the principal states of Europe, in 1793, were belligerents.

That Adams was correct in considering the office to have been created for Washington, we have the concurrent testimony of his contemporaries, with many of whom I was in early life brought into frequent contact.

I think it may be inferred from the rules of etiquette which, under the advice of General Hamilton, were prescribed to be observed by the President, that an office other than one of four years' duration was in contemplation, and we may here remark, without any reference to its application to a particular case, that it is by the letter of the Constitution, and not by any accidental circumstances which may have hitherto prevented the office from being occupied for more than two terms by the same individual, that the provision respecting reëligibility is to be interpreted. The idea of an unwritten law controlling a written constitution would be a solecism. Moreover, it is by no means certain that, if Washington had not died at the time that he did, he would not have yielded to the importunities of his friends to be a candidate for the then ensuing term.

One of the greatest objections to the office as now constituted is, that it presents too great a prize to the ambition of an individual; that it is utterly removed, as was the imperial power of the Napoleons, from the entire people, without anything to fill the space between the sovereign and the citizens at large. If the official patronage of the President, when the United States had scarcely three millions of inhabitants, was deemed excessive, how may it now be regarded when we have fifty millions? It is not the augmented number of officials to which the patronage applies, and which possibly is susceptible of some modification under a well-regulated "civil-service system," which alone invites Presidential intervention, but it is the projects to which the action of the Executive is continually invoked, with the hundreds of millions of capital involved, to legalize monopolies in railroads and other enterprises, that we have to take into account, when considering the powers of an American President and the possible danger of their misapplication.

Upon examining the debates in the Convention, it would seem that there was no very strict analysis of the powers to be possessed by the new President, and no reference to the discussions then going on in England and elsewhere as to the limitations of a sovereign's authority in a constitutional monarchy. The elder Adams,

though by no means averse to a single executive, regarded the present Constitution of the United States as forming a government more properly to be classed among monarchical than democratic governments.

The Duke de Rochefoucauld, in a letter to Dr. Franklin in 1789, expresses his surprise, in view of the attempts made in France to restrain the powers of the monarch, that we should have given such unlimited scope to an elective Chief Magistrate, especially to one whose reelection for life was possible. Franklin, who had advocated a plural Executive, defended the reëligibility of the President.

In determining to create a national Government, to consist of an Executive, Legislature, and judiciary, the Convention seem to have gone back for precedents, as to the first named, to the times of the Plantagenets and Tudors, without regard to any of the modifications of the royal authority adopted in modern times. Even the important changes introduced on the restoration of the Stuarts, and by the Revolution of 1688, and the Act of Settlement, appear to have been overlooked. The great and leading principles of the British Constitution, as now existing, are the personal irresponsibility of the King, the responsibility of ministers, and the inquisitorial power of Parliament. The doctrines of royal prerogative, such as we see them set forth in Blackstone, De Lolme, and other text-writers, have been long since obsolete. Nearly a hundred years had elapsed before the meeting of the Convention, since a King of England had attempted to arrest the obnoxious measures presented for his sanction, by the exercise of the veto-power. Nor has the right of the Commons to withhold supplies from the Crown been exercised in a single instance since the Revolution of 1688. The principal change, effected by the development of the English Constitution at that time, was the virtual transference of the center of the responsibility of the state from the Crown to the House of Commons. Instead of prerogative government, parliamentary government was established. The popular influence in the House of Commons was greatly strengthened by the reforms made a few years since, by which many rotten boroughs were disfranchised and their votes transferred to the now populous districts. But parliamentary reform was a matter which concerned the nobility and large land proprietors rather than the King, whose power, as affecting legislation, had long before ceased to be other than nominal.

Even in the time of the Stuarts, Charles II was unable to protect his minister by the prerogative. The case of the Earl of Danby,

impeached in 1673, in which it was decided that no minister could shelter himself by pleading the authority of the Crown, is an illustration of how impotent the royal authority had even then become.

Blackstone says that "the Constitution has provided that no man shall dare to assist the Crown in contradiction of the law of the land ; and any man so offending is liable to be prosecuted and punished, through the medium of an indictment or a parliamentary impeachment."

The extent of the royal prerogative as to ministerial responsibility was a source of continuous discussions in the councils of England during the whole of the American war, when George III was attempting to regain somewhat of the power lost through the ignorance and stupidity of his immediate predecessors. It is remarkable that the contest in which the King and his Minister, Lord Bute, took such a part, should have been overlooked in the assignment of the functions of the proposed Executive. The very irresponsibility of the King is, as in other constitutional monarchical governments, merely an indication of his utter impotency.

It may be here remarked that according to modern usage a constitutional sovereign can only with safety be a *roi fainéant*. *Le roi règne et ne gouverne pas* was applied by Thiers to Charles X. The adage is illustrated by the case of Louis Philippe, who had accepted, on his election to the throne, a constitution imposing ministerial responsibility, and whose talents, which could not remain inactive, lost him his crown ; as, also, in that of Napoleon III, whose liberal measures in according ministerial responsibility preceded his downfall only a few months.

Nothing, perhaps, can better explain the monarchical principle in the case of an American President, as contrasted with the formal acts alone permitted to the English King, than a reference to the respective attributes of the Cabinets of the two countries. The term *cabinet* is in neither country known to the laws, though in both a word of universal use. Since the establishment of parliamentary government, the sole function of the King, which can have any political aspect, is the appointment of the ministers ; but in this he acts a merely formal part. Public sentiment, through Parliament, indicates when a change in the ministry must take place, and points out the men to whom the administration of the government is to be confided, usually designating some one as the Premier. It is for the statesman, who may then be sent for by the King, to ascertain whether he can form such a Cabinet as will enable him to

control the action of the Parliament. As the duties of the King cease when he has placed in the hands of the ministers the seals of their respective offices, and as it is an organic principle of the English Constitution that no act of the King is of any avail without being countersigned by a responsible minister, it may well be perceived that he can have no great motive for meddling with affairs of state which he has no power of regulating. No king has carried to such an extreme the practical application of this rule as George IV. It was difficult even to induce him to affix his sign manual to an official document. And it has happened in my experience that an *exequatur* for a consul had to be delayed months because the King could not be induced to perform even so formal an act as that of affixing his fiat to a consul's commission.

In England the officers of state administering the several departments, and who form the Cabinet, really constitute the Government, the head of which is the First Lord of the Treasury for the time being. In the United States, in no possible sense are the different Secretaries vested with any power whatever, except by the authority of the President, who is responsible for their acts, not they responsible for him. So far as what we term the Cabinet is concerned, the sole provision having any possible application to it is an article of the Constitution, which says that the "President may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices."

Jefferson, who certainly had as much confidence in his official advisers, among whom were Madison and Gallatin, as any other President, did not ask, I was assured by one of its most trusted members, the advice of his Cabinet on, perhaps, the two most important measures of his administration—the purchase of Louisiana and the rejection of the treaty concluded by Monroe and Pinckney in 1806. The former of these measures, as involving the acquisition of foreign territory, was ever regarded as the great constitutional question of the day.

President Lincoln, it is understood, seldom or never had any Cabinet meetings.

I have already noticed the attributes of the Executive, as referred to by John Quincy Adams, but they have no particular reference to the existence of a state of war. In the war of 1812 there were comparatively few attempts to give to the President powers which did not exist in time of peace, nor were any assumed in refer-

ence to persons not connected with the army or navy. Even the extraordinary opposition of Massachusetts and other New England States to the best-defined powers of the Federal Government did not give rise to any direct collision of a hostile character. It was left to the Supreme Court of the United States to decide finally that, when the militia were called out to repel invasion, it belonged to the President alone to determine when the exigency existed. The writ of *habeas corpus*, even when issued by a State tribunal, was invariably recognized. All will remember a case where General Jackson, at New Orleans, submitted to the payment of a fine, imposed by a State judge for his disobedience to a writ, which could not have been obeyed without jeopardizing the interests of his command and the safety of the city. The Hartford Convention, in the most gloomy period of the war, was permitted to concoct, without any interruption, in secret conclave, the measures which the unexpected restoration of peace alone prevented from culminating in acts of open treason.

It was during the war of secession that the powers of the President were exercised to an extent unprecedented in English history. Based on an insurrection in the several States therein enumerated, and without awaiting a meeting of Congress convened for the 4th of July, 1861, the President proclaimed, on the 19th and 27th of April, the blockade of the ports of those States. By his proclamation of May 3, 1861, he called into service upward of forty-two thousand volunteers to serve for three years, increased the regular army by twenty-two thousand men, and added eighteen thousand seamen to the naval service. Congress at its extraordinary session raised the number of the military forces to more than six hundred thousand men.

These acts were sustained by the Supreme Court, on the first occasion on which the question came regularly before it, in the case of the validity of prizes made for violation of the President's blockade; and it was declared that, by the acts of the enemy, a public, territorial war existed between the Confederate States and the States which remained loyal to the Union, by which all the residents on the one side of the line, without regard to their individual sentiments, were enemies of those on the other side of the line, and that a war declared by Congress was not the only one contemplated by the Constitution.

President Lincoln's Attorney-General had advised him, in 1861, that it was for the President alone to pronounce upon the political

considerations which determine in what cases a suspension of the privilege of *habeas corpus* might take place, and that the authority conferred on him by the Constitution was in no wise affected by the powers with which the act of 1789 had invested the judges with regard to the writ of *habeas corpus*.

Immediately after the secession of the South, a direct conflict arose between the executive and judicial power in consequence of the refusal, by order of the President, of a military commander, to obey a writ of *habeas corpus* issued by the Chief Justice of the United States. Chief Justice Taney, after declaring that a military government had been substituted for the government of the Constitution, says that nothing remains for him to do but to order all the proceedings in the case, with his opinion, to be filed and recorded in the appropriate court, and direct the clerk to transmit a copy, under seal, to the President of the United States. "It will then remain for that high officer, in fulfillment of his constitutional obligations, to take care that the laws be faithfully executed, to determine what course he will take to cause the civil process of the United States to be respected and enforced." Perhaps a summary of what were the pretensions of the Executive, as regards personal liberty, may be best found in a note addressed by Mr. Seward to Lord Lyons in October, 1861: "It seems necessary to state, for the information of that Government, that Congress is by the Constitution invested with no executive power or responsibility whatever, but, on the contrary, that the President of the United States is, by the Constitution and laws, invested with the whole executive power of the Government, and charged with the supreme direction of all municipal and ministerial civil agents, as well as of the whole land and naval forces of the United States, and that, invested with these ample powers, he is charged by the Constitution and laws with the absolute duty of suppressing insurrection, as well as of preventing and repelling invasion, and that for these purposes he constitutionally exercises the right of suspending the writ of *habeas corpus* whenever and wheresoever, and in whatsoever extent the public safety, endangered by treason or invasion in arms, in his judgment requires."

At the date of Mr. Seward's note no proclamation, in the sense of his communication, had been issued, and no intimation of any such intention had been in any way given. On the 24th of September a proclamation establishing martial law was issued, and by an order of the Department of War, of September 26, 1862, a na-

tional police was established in *all* the States to watch over the execution of the proclamation.

It was not until the act of March 3, 1863, that Congress authorized the President to suspend the writ of *habeas corpus* during the rebellion. A proclamation in accordance with that act was issued on September 15, 1863. This proclamation suspended throughout the United States, in the cases therein mentioned, the writ of *habeas corpus* during the whole of the rebellion, or until modified or revoked by another one issuing from the President. The proclamation made no distinction, as to the suspension of the writ of *habeas corpus*, between the loyal States and those which were in rebellion. The passage of the act suspending the *habeas corpus* had been preceded by the establishment of military commissions as distinct from courts-martial, thus opening the door to an unlimited abuse of arbitrary power. Nor was it until a late period in the war that the legality of these military commissions came before the Supreme Court. It was in the case of a citizen of Indiana, who had never been in any wise connected with the military forces. He had been tried by a military commission in 1864, and condemned to be hung on May 19, 1865. The Supreme Court, however, in December, 1865, not only because the provisions of the act of March 3, 1863, had been disregarded, but because no act of Congress authorized the action of a military tribunal and no order of the President could justify it, set the prisoner at liberty. A majority of the court were of the opinion that Congress had not the power to pass such an act. It based its decision on this point—on the clause of the original Constitution, which declared that all criminal proceedings, except in the case of impeachment, should be before juries.

The motives which led to the proclamations of September 22 and January 1, 1863, for the emancipation of the slaves in all the States then in insurrection, but not in the States remaining loyal, have recently been a subject of discussion in this journal, and the nullity of the emancipation edict pronounced by an eminent jurist, who, as an international lawyer, enjoyed the especial confidence of the Administrations of Lincoln and Grant.

In the early days of the Government there had been, in the case of the British treaty of 1794, a grave question as to how far it was obligatory on the part of Congress to supply the funds, or to pass other acts to give effect to a treaty concluded by the President and Senate. And it may be remembered that in 1833 our Government, General Jackson being President, under analogous circum-

stances, respecting Mr. Rives's treaty of 1831, claimed the right of making war for a non-compliance, by the other departments of the Government, with the stipulations of a treaty entered into by the executive power, it being alone known to foreign nations.

While the war of secession was still going on, the possession of the Government of Mexico was a matter of belligerent contest. When complaint was made by the French Government of a protest of the House of Representatives against the establishment of the Imperial Government in Mexico, in reply to M. Drouyn de Lhuys, Mr. Seward declared that the powers claimed for the President were as unlimited with respect to international affairs as to internal matters, and that neither the vote of the House of Representatives nor of the Senate could oblige him to modify his policy or take away his liberty of action.

It was after the cessation of hostilities and the practical restoration of the Union that the most objectionable pretensions were put forward on behalf of the executive power, which no longer could claim any attributes from the war power.

We have referred to the fact that, at an early period of the war, each House of Congress declared that whenever hostility to the Union ceased, the several States should be maintained with all their dignity, equality, and rights unimpaired. This course had been adopted in several instructions given by President Lincoln before his assassination, having in view the *status quo ante bellum*; and, if they were altered in other cases, it was certainly not so with regard to General Sherman, who concluded, on the 18th of April, 1865—the day before the assassination of Lincoln—a provisional convention with General Johnston, of the Confederacy, the terms of which were in strict accordance with the pledge made by Congress. Independently of any such stipulation the result would have been the same, according both to our Constitution and to international law.

Though some of the earlier decisions of the Supreme Court could not fail to be affected by the feelings prevalent among political partisans in the community in which they resided, yet that tribunal ever held that the action of the State governments, which were within the jurisdiction of the so-called Confederate States, in all matters within the scope of the State Constitutions, when it had not for its object aid to the rebels, was valid.

The Sherman-Johnston convention, in maintaining the organization of the State governments, as they existed at the time of its

conclusion, would have preserved the autonomy of the States, and taken away every pretext for the revolutionary measures which followed. The functionaries having been elected or named according to the local Constitutions, it would have been easy to remedy all defects of irregularity by obliging them to take the oath of allegiance to the United States. While the Confederates possessed the power, they certainly owed allegiance to them as to a *de facto* government. That allegiance to a king *de facto* protects the subject from future question is one of the oldest principles of the English constitutional law.

When President Johnson repudiated the Sherman-Johnston convention, there were no longer the two Governments, to which, as shown at the commencement of this article, the people of the States of the American Union were subject, but a central Government, ruling over conquered provinces, was substituted for the institutions of their ancestors in at least ten States.

President Johnson, having annihilated all the governments in the *soi-disant* Confederate States, issued a partial amnesty, the spirit of which is manifested by the exclusion from its benefits of all persons having the amount of property therein specified. He, at the same time, undertook the task of reorganizing, by his sole authority, the States of the South.

The right has never been claimed for a President to institute military governments, even in a conquered country, except during the existence of a war; and the Supreme Court has decided that such governments can not act in the United States in time of peace. This subject was fully discussed in the questions growing out of our war of 1846-'48 with Mexico. President Johnson, however, basing himself upon the provision of the Constitution which guarantees to each State a republican form of government, on his duty as Commander-in-Chief of the army and navy, and, at the same time, as the first civil officer of the United States, declared that the war which a part of the people of the United States had made against the authority of the Union had deprived this part of the people of all government. He named provisional Governors, whose duty it should be to prescribe the regulations necessary in contemplation of the assembling of a convention composed of delegates, who were to be chosen by those among the people of the State who were faithful to the United States, and none others. All were excluded who had not taken the oath of amnesty, as well as those who were not electors under the old Constitution; the object of the latter provision

being to keep out the negroes, according to the Constitution which was in force immediately before the secession.

These conventions were informed by an Executive order that the secessionist States should declare null and void the ordinance of secession, that they should acknowledge the abolition of slavery, and repudiate all the debts contracted for the rebellion. These conditions were imposed by the President of his own sole authority. And it may here be noted that on the authority of the ratification under these Presidential Constitutions depends the validity of the thirteenth article of the Constitution. The Constitutions having been modified in accordance with the views of the President, and officers having been chosen in accordance with them, the provisional Governors withdrew.

Senators and representatives were chosen and went to Washington to take their seats. The two Houses, however, composed, as they were, exclusively of representatives of the States which had remained in the Union, refused to admit them. It was objected that the President, in convoking the conventions, had surpassed his powers, and that the Constitutions, made without the concurrence of the entire people, including the enfranchised slaves, were null. There were members of Congress who maintained that the secessionist States had lost all political rights, and were only Territories.

The Secretary of State had, however, announced officially, on the 18th of December, 1865, that Amendment Thirteen, which abolished slavery, having been ratified by three fourths of the States, had become an integral part of the Constitution. Among the twenty-seven States that were necessary for its adoption were seven who were not acknowledged as States by Congress. It is not meant to intimate by this suggestion that there is any question as to the abolition of slavery in all and every part of the United States. There are certain accomplished facts which do not require any legislative sanction, but exist by universal assent.

The fourteenth amendment, which, among other matters, provides that the representation shall be diminished according to the number of male inhabitants disfranchised, was submitted to those States which had formed Constitutions under President Johnson's proclamation, and unanimously rejected by them. Nor was it until after Constitutions formed in accordance with the act of Congress to which we shall advert, that either this amendment or the fifteenth, intended to secure universal negro suffrage while it left the naturalized citizens of Rhode Island disfranchised, obtained,

under the menace of exclusion from Congress, the nominal sanction of the States.

Despite the theory which we find in text-writers, the balance of powers has no existence as a practical rule, unless it be to arrest all action on the part of the Government. As in England at one time the royal authority and then that of Parliament predominated, so it has been as regards the President and Congress in the working of the American system. Embarrassments from a want of accord between the Executive and Congress may well occur, especially in relation to foreign affairs. It so happened that, during the period when the affairs of the United States at the Court of London were confided to me, both Houses of Congress were opposed to the President. The consequence of this was, that nothing on which a question could be raised could be effected by negotiation. One of the subjects in discussion related, as I remember, to the commerce between the United States and the British Provinces. It suited the party in Congress opposed to the President not to maintain the views set forth by our Government. The consequence was that, whenever intimation was given to the British Government as to what, in certain contingencies, we might do, I was made to understand that England was perfectly aware that the President's measures would receive no sanction in Congress. Nor was the trade, which had been closed by English orders in council, reopened till the British Government was assured that the Administration of President Jackson did not maintain the views of his predecessor.

Our annals afford many other illustrations of the disadvantages growing out of a disagreement between the different departments of the Government. Cases arising from this source have been a cause of injustice to other countries, who have had good reason to complain that measures, originating with the President's suggestion, in consequence of which action was had on their part which could not be recalled, have not even been taken into consideration by the Senate or Congress. Of this the treaty made some years ago with Denmark for the purchase of the island of St. Thomas is an illustration. We required that the assent of the inhabitants to the cession should be obtained in advance. This was done, and when the treaty came back to Washington, with his Danish Majesty's ratification, it was not even considered by the Senate.

It is by the exercise of the veto-power that the collision between the executive and legislative powers is manifested. Story said, in 1832, "If we refer to the last forty years of our Government, we

shall see that the veto prerogative accorded to the President has been but rarely used, and it will appear that there exists no case where, when it has been exercised, two thirds of the two Houses have passed a law in despite of the President."

In 1856 President Pierce having refused to put his signature to several acts which appropriated money to make navigable some interior rivers—acts which, according to him, the Constitution did not permit—Congress passed them in spite of his veto. That is the only occasion, before the Administration of President Johnson, where the veto has been ineffectual.

We have given a notice of the Executive Constitutions ; we will now refer to those created by the authority of Congress.

The act of the 2d of March, 1867, designated "An Act for the more effectual Government of the Rebel States," carries with it, by its very title, the annihilation of the autonomy of ten States. In the clause relative to military commissions, no account was had of the decision of the Supreme Court ; while, for its execution, the power of the President, after the nomination of the military satraps, was set aside. The act declared that, inasmuch as there does not exist in the rebel States any sufficient protection for life and property, the ten States designated as rebel shall be divided into five military districts, and the commander of each invested with supreme authority. He might permit civil local tribunals to have jurisdiction over offenders and to try them, but he had the power, when according to his judgment it was proper, to institute commissions or military tribunals to that effect.

The act declares that, "until the people of the rebel States are admitted to be represented in the Congress of the United States, all civil governments which may exist there shall only be considered as provisional governments under the supreme authority of the United States, and subject at any moment to be abolished, nullified, controlled, or suspended." The supplementary act of 19th July, 1867, declares that the governments existing at that date in the rebel States are not legal governments ; and, among other provisions, it declares that no commander of a district shall be restrained in his action by any opinion coming from a civil officer of the United States. They had been previously instructed by the General of the Army not to regard the opinion of the Attorney-General as to military commissions which had been sent to them by order of the President.

The original act made a condition of these States to repre-

sentation in Congress the adoption of Constitutions prepared by conventions of delegates elected by male citizens of the United States, who had resided a year in the State, without regard to race, color, or previous condition of servitude. There were to be excluded, both as members and as voters, all those who had been deprived of their franchises for participation in the rebellion, or, by the fourteenth amendment proposed to the Constitution of the United States, had lost the privilege of having a vote. And the Legislatures elected according to the new Constitutions must adopt that amendment before the admission to Congress of their Senators and Representatives.

As the act required the naming by the President of the general officers for the command of the districts, and the assignment by him to them of a military force, as an act passed in violation of the Constitution, is an absolute nullity; and, moreover, as this act invaded directly the attributes of the President in taking from him all control of the military commanders, transferring it to the General of the Army in any case which referred to the exercise of civil authority, it might have been supposed that he would not have permitted it to go into effect. But, having contented himself with opposing, from time to time, vetoes which were not even taken into consideration by Congress, he performed the functions prescribed for him.

An attempt was made to obtain the intervention of the Supreme Court, but it was held that no decision on the action of the President or Congress could be made in advance. The constitutionality of these acts was discussed before the Court in December, 1867, in reference to a case arising from the action of a military commander; but, though the high tribunal decided that it had jurisdiction of the question, the session was closed before the case could be regularly decided, and the discussion was deferred to a future session. In the mean time an act was passed which excluded the jurisdiction of the Court. In 1868 an opportunity was afforded for bringing into view the provisions of the Constitution in reference to the impeachment of the President. Many articles were presented by the House of Representatives, but no attempt was made to suspend the President from his functions during the trial. The accusations were founded principally on the removal by the President of one of his ministers—the Secretary of War—despite the civil-service tenure act. As no official or personal crime was imputed to the President, but those who demanded his condemna-

tion maintained that it arose from a political act, it may well be a question whether the charge against him was not such as, according to the views of constitutional governments, would have been met by a change of ministry. Had he been arraigned for his repudiation of the local Constitutions of the *ci-devant* Confederate States and the inauguration of governments under constitutions prescribed by him, and his designation of general officers to the districts, under the act of March, 1867, which he recognized as being unconstitutional and void, the merits of his case might have been of more interest to posterity. The impeachment provided by the Constitution would seem to form but a slight protection to the people against maladministration, as in the case of an ordinary criminal it must usually happen that his continuance in office during the impeachment would practically render the proceedings against him nugatory.

It has already been intimated that, as both the local governments established under Johnson's proclamation and those created under the act of Congress wanted the essential quality of having originated from the people, the States in question have been governed from Washington as conquered provinces for the last fifteen years. By the election of General Grant the executive and legislative departments were brought into harmony, while it would have required the united action of the two Houses—which did not exist before the second Congress of the present Presidential term—to have arrested the intervention, by military force, of the Executive, even in the internal affairs of those States which had submitted to the Constitutions created by Congressional legislation. It is a matter of notoriety that, through the intervention from Washington and frauds in the electoral returns thereby induced, of at least three of these States (South Carolina, Florida, and Louisiana), the present incumbent of the Executive chair occupies his place. Nor can it be too strongly regretted that, in attempting special legislation in regard to the last Presidential election, instead of leaving the decision of it where the Constitution placed it, in the two Houses of Congress, the integrity of the judiciary, which we have always regarded as the safeguard of our institutions, was brought into jeopardy. And it is not an aspect of the case more favorable to the stability of our Government, that this irregular procedure was induced by the fact that the outgoing President, notwithstanding his functions terminated before those of his successor commenced, was preparing to employ the military forces of the country to sustain his partisan views.

The most important issue involved in the election is, as we understand it, whether the Congressional pledge given at the commencement of the war shall be redeemed, as far as circumstances now permit, or whether for all time to come the South shall bear to the North the same relation that Ireland bears to England.

The original plan, as suggested in the Convention, was an election by the national Legislature. The advantages of that system would have been not only to introduce that accord between the executive and legislative departments, the absence of which, in certain contingencies, may be so deleterious to the public interest, but would have referred the choice to those whose acquaintance with the public men of the country might have been expected to insure a safe selection. As it was, however, the old idea of balance of power, combined with the desire of compensating as far as possible the small States for the loss of the equal rights which they enjoyed under the Confederacy, induced a compromise of the same character as that which led to the present constitution of the Senate. An advantage was given in the original electoral colleges to the popular vote; but that was diminished by adding to the number of Representatives two Senatorial delegates; and, when the original election failed, the vote was by States, each having one vote.

It would seem, by the phraseology of the Constitution, that the electors were to be named by the Legislature. But it appears, practically, that even in the very first Presidential election there was a diversity of mode adopted.

A change effected in the Constitution, in consequence of the equality of the votes between Jefferson and Burr, which was not at the time supposed to be of great importance, materially altered the system. When the parties voted, according to the old rule, it was usual to nominate two candidates, one of them from the North and the other from the South, giving an equal chance to the free States and to the slave States to possess the first Magistrate. Moreover, as it could not be ascertained in advance which of the candidates of the successful party would be the President, it was equally unknown which of them would have the means of favoring their special friends. There was, therefore, less reason for making the election a partisan contest.

The exorbitant power of the President induced Senator Hillhouse, of Connecticut, in 1808, to propose an amendment to the Constitution, which had for its object the modification of the monarchical principle, by selecting the President annually by lot from

the members of the Senate, and giving him a position which would scarcely differ from that of the President of Congress under the Articles of Confederation. No action was, however, taken on it.

The office of Vice-President, especially under the present system, would seem to be altogether objectionable. His duties, under ordinary circumstances, being of the most formal character, his selection is often made without regard to the possible succession. This office was unknown to any of the original proceedings before the Convention ; and there would seem to have been no other motive in introducing it at the final adjustment than that of having something to give to both of the two candidates voted for by each State in the electoral colleges, as hereinbefore indicated.

It is not so much the mode of election as it is the manner usually adopted of bringing candidates to public notice that commands our consideration. Nothing can well differ more from the electoral colleges of the Constitution, intended to be composed of the gravest citizens of the State and elected for their general intelligence, than the National Conventions of the two political parties, the nominee of one of whom must be President.

In the early days, it would seem that no previous nomination was necessary to point out who should fill the highest offices of the state ; and, after the last term of Washington, a system was adopted by both parties which excluded unknown men. These nominations were made by caucuses of the members of Congress of the two parties. After the Federal party ceased to present any formal candidate, the caucuses of the Democratic party were not abandoned. Monroe and Tompkins were continued for the second term, as a consequence of their first election.

But in the election of 1824, instead of the unanimity which had prevailed at Mr. Monroe's elections, every Cabinet minister was a candidate. A caucus was then held for the last time. At it Mr. Crawford and Mr. Gallatin were nominated for President and Vice-President. The latter, however, withdrew, at the suggestion, it is understood, of Mr. Van Buren, who contemplated a connection between Crawford and Clay, in which, however, the latter refused to take part. General Jackson required no nomination to put him before the public. Nor was it necessary in the case of Mr. Calhoun, who had been Vice-President under Mr. Adams, and who was retained on the Jackson ticket as a friend of the chief. Mr. Van Buren, whose rejection as Minister to England was effected by a combination of his prominent political opponents—Clay, Calhoun,

and Webster—was universally pointed to as the associate of General Jackson in his second term. Since then National Conventions have been resorted to by both parties. It is impossible to conceive of any worse political machinery than that which was then inaugurated. And, since these conventions have become systematized, the usual effect has been to exclude from the Presidency the prominent men of both sides. The members are without responsibility to any one. Indeed, probably in a majority of cases their names are not known to half a dozen individuals in the State from which they come.

It would seem that there is motive enough, from the danger to which our institutions are exposed from the consequences to which the present system of National Conventions may lead, to induce every friend of their permanency—if a single person, enjoying the unrestrained executive power of the whole empire, is to be retained—to seek some remedy, as well against an incompetent selection as a disputed succession; and perhaps there is no better mode of providing against these evils than the adoption of the parliamentary system in all its forms of which France has set us an example, and which is, moreover, recommended by the many other considerations to which we have adverted. On the same day, May 24, 1873, that Thiers resigned the Presidency, MacMahon, Duke of Magenta, was elected, and with the concurrence of his predecessor accepted the office that evening. Again, January 30, 1879, the Duke of Magenta, submitting himself to the principles of parliamentary rule, and declaring that he would not contend against the will of the people as expressed by their constitutional organs, tendered his resignation. The transfer of power was made in a few hours, M. Jules Grévy being elected and inaugurated the same day. France has thus the full benefit of the parliamentary system, without maintaining the pageantry of the English Court; and how much should we not gain by the substitution of a President elected by and amenable to the Congress for our cumbrous system, and which, by keeping the country agitated every four years, paralyzes every branch of industry!

But as long as the office retains its immense power and the country has no other protection than the intelligence and integrity of the incumbent, it is impossible that too much circumspection can be exercised in the choice of a President. The three hundred dollars of *Crédit Mobilier* dividends or a five-thousand-dollar fee for influence as chairman of an appropriation committee sink into utter

insignificance when we contemplate the *bonanza* of bankers' syndicates, of railroad monopolies, steamship subsidies, and the great future oceanic canal.

It is believed that the popular vote would not be adhered to with much tenacity if the fact were known that, in our most important elections, the President has not been the choice of the people of the United States, or of a majority of the States, and that this is the almost inevitable result of the provisions of the Constitution with regard to the constitution of the electoral colleges.

In 1860, the united vote of the Democratic candidates, Douglas, Breckinridge, and Bell, was 2,787,780, while that of Mr. Lincoln was only 1,857,660. Mr. Lincoln had, however, 180 electoral votes; while Mr. Douglas, who stood next to him in the electoral vote, had only 12. Of the rest, Breckinridge had 72 and Bell 39.

There are objections to an executive consisting of a single person in confederate or composite states, that do not apply to an homogeneous country.

Take, for example, the United States, whose interests, North and South, were avowedly, during the whole period of slavery, antagonistical. It can not be doubted that a single executive possessing the immense prerogative enjoyed by the President of the United States might influence legislation, as well as the administration of the Government, in favor of his section to the prejudice of the others. Some attempts were made, during the disputes with regard to the tariff and slavery, as to a plan by which the rights of each section might be protected. Mr. Calhoun proposed a dual executive, having a legislative and executive action, as one of the means of preserving the balance of power between the two sections.

The discordant interests of Austria and Hungary induced the establishment of two general governments in the Austro-Hungarian monarchy. It ordinarily happens that when, in a confederacy, there is one head, the office is attached not to the individual but to the prominent state. For instance, in the present empire of Germany, it is the King of Prussia, not as an individual, but King of Prussia, who is Emperor of Germany. And the subordination of the other states of Germany to Prussia is always recognized.

But I know of nothing more suitable to our condition than the present Constitution of Switzerland. The Swiss Constitution provides for the exercise of the supreme executive authority by a Federal Council, composed of seven members, only one of whom can be chosen from the same canton. They are named for three

years by the two Houses of the Legislature (Federal Assembly), denominated the National Council and Council of States, the former corresponding to the House of Representatives, the latter to the Senate, of the United States. From this Federal Council the President and Vice-President of the Confederation are annually appointed by a vote, also of the two Houses ; but their functions are not materially different from those of the other members, and four members are required to sanction every deliberation. The duties of the Federal Council consist especially in superintending the national relations of the confederation.

In conclusion, I would remark that the views here stated, however illustrated by recent events, have exclusively in view matters of permanent interest. So far, indeed, as regards the contest now pending, the verdict of the people will be rendered before this article comes regularly into the hands of the subscribers.

W. B. LAWRENCE.

THE ADVANTAGES OF FREE RELIGIOUS DISCUSSION.

THE physical question which comes the nearest to this, in the minds of persons with strong religious emotions and convictions, is vivisection. I state it strongly, at the start. It was the Master himself who said, "I am the truth." It is *the* difference between Christianity and philosophy : that one is the formation of a school, and the other the following of a person. And the discussion of religion is really, shall we say it, the dissection of *the* Christ. And He "liveth for evermore." Now, we remember three distinctions and three instances. There were Roman slaves and soldiers, who tore and broke the body of the God-Man with the nails and the spear. This is the manner of the religious discussion of the scoffer. There is a very different spirit, in the case of St. Thomas, which approaches this same Body in somewhat the same way : "Except I shall see in his hands the print of the nails, and put my finger into his side, I will not believe." And this was permitted. And because of the permission, probably not acted upon, "Reach hither thy finger, reach hither thy hand," "Thomas answered and said, My Lord and my God." I think this picture stands as the perpetual evidence of God's tenderness with anxious, honest doubt ; and of the way out of it, by searching examination. One more instance there is, which simply tells the story of the perfect knowledge, unattainable here, offered hereafter ; when the Magdalen, needing not confirmation of faith, but satisfaction of love (which is not to be here), reached out to touch the risen Lord, and was forbidden. The brutal boy tormenting the living animal ; the calm and anxious student seeking, in brute creation, the secrets of life to be applied for the relief of men ; the demonstrator, eager to prove the truth of his own strong convictions of anatomy—these are the types of the scornful infidel, the anxious doubter, the posi-

tive believer, discussing religion. And, of the three, two only are noble.

Of a different sort, yet teaching the same lesson, is Simon Peter's zealous investigation, when he went into the sepulchre and learned there, by closer inquiry, the lesson, not only of the composure (which is the highest attribute of power) with which the Lord rose from the smoothed and separated grave-clothes, but the deeper lesson of the twofold nature, God-head and man-hood—"the napkin that was about his head, not lying with the linen clothes, but wrapped together in a place by itself."

And even more akin to our subject is the story of the two who went to Emmaus. They started in the twilight of the first Easter-Day, whose sunlight only showed to them the stolen body and the rifled grave of their most dearly Beloved. And their anxiety took on no phase of stolid despair or stoic silence. They talked together, they communed together, they reasoned; and, while they discussed and doubted, reasoned and disputed, balanced their hopes and disappointments, their "holden" eyes were opened. The dead Christ lived again. They knew him. And, when the witness of the Scriptures to Christ and Christ's witness in the Scriptures added their voices to the discussion, "their hearts burned within them."

No one, I think, can fail to see, from the manner of Christ's dealing with the case of St. Thomas, and from the result of St. Peter's examination of the empty grave, the warrant for close scrutiny into the difficulties of our Christian mysteries; nor, from the result of the reasoning and communing along the road to Emmaus, "the advantages of free religious discussion."

So much for the starting-point. Let us be bold to say that even the blasphemy of irreligious discussion—that is, of the discussion of religion in irreligious ways—not of honest doubt seeking certainty, but of cruel hatred, seeking to scald other souls with its bitter gall—even this, save to the blasphemer, works the glory of God. Unconsciously, the cruel hands that nailed and pierced and lifted up the Christ were writing on the opposite side of the old prophetic scrolls, with pens of iron, the fulfillment of prophecy. And, any way, whether in pretense or in truth, of contention and envy or of good-will, Christ is preached; and, as the reaction of the centuries over and over again proves, the believer may therein rejoice.

And yet I do not think this sort of thing can be fairly called religious discussion. The literature of the apologists will be in our

day, as in the time of Celsus, the amber that preserves the stinging and persistent fly of the attackers upon the Christian faith, as earth-works, overgrown with grass and pastured by the peaceful kine, are historical landmarks of old contests, interesting but anachronistic. Continuously reproduced editions of the old apologists would answer all the purposes of defense, against the motley array that advances to the attack with the old war-cry, against supernaturalism ; against the immoralities of the Bible ; against the probability of any revelation ; against the inequality of its making known. When men persist in using the arquebuse and crossbow of a disused and superseded warfare, they must be either treated as masqueraders or met with the revived defenses of old time. Butler's "Analogy," to-day, is an arsenal of weapons against the thin and cracked battle-cry of the mere denier—cracked and thin, and with the strong French accent and idiom of Ferney.

The discussion, intelligent and valuable, of religion in our day, is either among believers, or with those men who in the ardent use of telescope and microscope, with the geologist's hammer and the naturalist's dissecting-knife and the chemist's solutions, are finding facts and fancying inferences, and drawing (often with a long bow) conclusions which relate to what is, or seems to be, revealed truth. Nature, we claim, is so religious (the heavens declaring the glory of God) that it must reveal God. And God is so consistent that, between the religion revealed in nature and in the Bible, there must be analogy and not antagonism. This paper does not propose to deal with the contest between believers and atheists ; nor with the theological disputes among believers. The true religious discussion is between the seekers after and the holders of truth. And it needs two temperaments : on the part of the holder of truth, a confident composure and a kindly sympathy with those who are still groping. And the seeker must be one "whose tone is that of sadness, not of scorn."

To such discussion the "condition preliminary" is, it seems to me, what the story of that twilight walk to Emmaus contains. Walking in the groves of philosophy, or in the beaten tracks of historical investigation, or in the narrow paths of personal experience, or in the fields of natural study : and discussing, reasoning, talking, having communication with one another ; not nursing difficulties, and brooding over them ; not shutting up convictions behind the sealed stone of shamefaced silence, but walking, and reasoning, and talking ; and being "sad"—not necessarily, although often,

with the grief of personal loss, but rather with the sadness of a sense of want—these are the characteristics, on the other side, for a fair and free religious discussion.

Good Bishop Taylor's words in the epistle dedicatory to his "Liberty of Prophecy" are a fair legend for what we have to say: "If men were capable of hearing those of other opinions give a quiet account, without invincible resolutions never to alter their persuasions, I am very much persuaded it would not be very hard to dispute such men into mercies and compliances and tolerations mutual."

Let us take at the outset some illustration of points and methods of discussion. The word dogma is one of the great bugbears of modern days. It is considered to be a vice of religious belief, and a barrier to free religious discussion. But, after all, there are no greater dogmatizers in the world to-day than the secularists. And inconsistently, for they regard nothing as fixed. They are students, discoverers, progressive people, treading under foot, with ill-disguised contempt, yesterday's discoveries, as stepping-stones for further advance—rounds of the ladder for a higher climbing. The Christian dogma, being a revelation from above, and not a discovery from below, is fixed and unchangeable. Holders of old truth have a better right to dogmatize on their own theory than students and investigators. But dogma is no hindrance to discussion. It pertains to everything; and, as the basis of all discussion and discovery, it is a valuable and inherent necessity. The conventional characters of the alphabet, the tables of arithmetic, the symbols of algebra, the formulæ of chemistry—these are the dogmas of science, the bases of all discussion. And, in dealing with these, or rather in discussing from them, people do not ask, "How they can be?" but simply, "Are they true?" We must recognize at the outset the necessity, the value, and the universality of dogma. Like most other things, the use we make of it is the dangerous thing. Holding dogma is not necessarily dogmatizing. The distinction needs to be carefully drawn between articles of the faith (the creeds) and articles of religion; between what is *de fide* and what is deduced from the rule of faith by man; between belief and opinion. For it is fatal to all honest differences or free discussions to "call all opinions by the name of religion, and superstructures by the name of fundamental articles, and all fancies by the glorious appellatives of faith." * So much for dogma.

* Bishop Taylor.

Still again, as to the methods of discussion, the merely individual experience of belief, or the individual difficulty of belief, has little to do with argument or evidence. That I believe is no evidence to any one but myself; that I do not believe is no argument against faith. There is too much tendency in our time to rely upon this sort of proof. Popular teachers use the *ego* to their followers, and it suffices. "I believe," they say; and their followers, like echoes, catch and keep, perhaps a little longer than the voice lasts, the sound of the saying. Or sensational preachers rouse an emotion which is called religious experience, and a man believes because he feels, and proposes his feeling as a proof for some one else. Or the soul to whom, because of a harmony wrought out by grace, the Scriptures speak "as face answereth to face in water," urges this as proof to the unbeliever in their authority. But this is not discussion. It is idle and dangerous. The two methods of discussion have, in all time, been philosophical and historical. And when they have been fully pursued, and not till then, convictions of belief will use the words of the Samaritans of old, "Now we believe, not because of thy saying, for we have heard him ourselves and *know*." The noblest masterpiece of philosophical discussion in calmness and firmness of grasp is Bishop Butler's "Analogy."

And the power of the historical argument seems to have been originally stated in our Lord's conversation with Nicodemus. Nicodemus started wrong. He put the interrogation-point of curious speculation, instead of the exclamation-point of grateful wonder, after his question, "How can these things be?" But our Lord built up the argument, answering not the "*how*," but the "can these things be." First, evidence: "We speak that we do know"; the voice of the Godhead in its plural unity in revelation. Next, the analogy of nature: "earthly things" compared with "heavenly." Next, God's exclusive possession of knowledge: "No man hath ascended up to heaven" to "find out God by searching" (which is a plain deduction from history). And, last of all, the magnetic evidence of the Cross—truth proved by suffering: "The Son of Man must be lifted up."

To take an instance of the two forms of discussion, philosophical and historical, let us select two critical and anxious phases of to-day's doubt, the Atonement and the authority of Scripture. The essential element of the first is vicarious suffering. And the doubter is to discuss the question philosophically, Is the suffering of the innocent, for, in the place of, and for the advantage of the guilty, a

usual or an unusual fact in the experience and history of the world? And the cross of the sinless Sufferer, looked on humanly, is only the culmination toward which, as to a focus, have converged, and from which, as from a beacon, have radiated, the triumphs, the glories, the attainments of the world. The pain of child-bearing ; the anxious toils and bitter tears of parents for their children's sake ; the great battle-fields on which, not for their own glory, but for the good of country and of home, men have laid down their lives ; the "one sowing and another reaping" of inventors, students, discoverers—these are not excuses for, nor explanations of, the Atonement, but witnesses that familiarize the mind with the element of vicarious suffering as frequent, natural, usual in the world. Not inconsistent with experience, involving the very essence of love, the philosopher finds its warrant, alike in the revelation of prophecy and sacred history, in the daily occurrences of life and in the annals of mankind. The way at least is cleared by such philosophical discussions toward an acceptance of the fact not only, but of the doctrine and the power of the Cross. And the appeal is not first to belief, but to reason, intelligence, and an experience common to the human race.

So the great question of the authority of the Scripture must be approached in any free discussion through the gateway of a reasoning, intelligent examination of historical facts. Finding a common basis to start from, the believer and the inquirer set out together. The books are traced back from translation to original, from version to version, from one language to another, from the fresh and clear type of the University Press to the old MSS., *χρόνῳ πολλῶν*, of library or monastic cloister. By-paths of various sorts open as the journey is pursued : natural characteristics of the writer ; peculiar idioms of a dialect ; tokens of acquaintance with habits and customs prevalent in the age and in the place of writing ; quotations from the Old Testament, which blaze out at times into interpretations and inspirations in the New ; extracted passages in the writings of the fathers ; references in anti-Christian books to passages in the Holy Scriptures as an authority recognized in common, etc. Still further the investigation is pursued : hieroglyphic inscriptions are deciphered into the same story which Scripture-writers tell ; ancient mythology yields, like gold from ore, traces of the old ante-patriarchal and unwritten traditions of the truth ; marl-pits and blasted rocks give up the old antediluvian story ; philology traces back the confused tongues of Babel to the one

original language of the first created man ; and back through all versions, copies, translations, manuscripts, quotations, references, like the clew-thread of a labyrinth, the witness of the Jewish Church and of the Christian Church proclaims the authority, the authorship, and the authenticity of the canonical books of Scripture. These that we read to-day are sufficiently accurate translations of the books, traceable, by the appeal to history, to the times of the men who wrote and the men who received them—each, writer and receiver, asserting them to be not the words of men, but the Word of God. And so again the way is cleared for an acknowledgment, and a reference to the only explanation, of the preservation, the influence, and the authority of the Scriptures.

From this suggestion of the points and methods of religious discussion, we pass to consider its advantages ; and they are to be classified, at least, under three heads—the renewal of our own confidence, the discovery of new evidence, and the mutual convictions of errors and extremes.

I believe that it is true of truth as of virtue, that up to, and only up to, a certain point, is ignorance bliss. The innocence of ignorance, in infancy, is purer than the innocence of conscious sin resisted. But it is unsafe, as it is almost impossible, in riper years. It is so with truth. Childhood needs the simple building up of “line upon line,” in axioms of truth, moral, religious, material ; and the man who prejudices a child’s mind with the alphabet and the tables of arithmetic, and the difference between truth and a lie, and the child’s body with food and clothes, and does not put into the child’s soul the creed, the catechism, the formularies and facts of faith, convicts himself of materialism, and of valuing the mortal animal above the immortal spirituality of his child. But these axiomatic truths need to become, so far as is possible, experimental realities, as the child becomes the man. And perpetual religious inquiry, the becoming more and more “able to give a reason for the hope that is in us,” the examination of evidences, is part and parcel of the upbuilding of the spiritual character. How shall this be brought about ? Generally speaking, by the rough necessity of doubt suggested from outside, or stumbled on in the dark within. There are some souls that lie, like the unrippled surface of an inland lake, in the calm, reflective power which simply takes in and gives back the images of earth and sky, that overlies or surrounds its bosom. “*Beatae sunt.*” Springs from beneath the outgo of their own sweet natures, and sunlight and air from above—the illumina-

tion and the inspiration of the Revealer and the Holy Spirit—keep them clear and pure. Others there are, undoubting because unbelieving, with neither stir nor ripple of spring or breeze, just stagnant, shallow puddles, with the dense mud-bottom of earthliness, and the thick scum of indifference on top. But most souls are not sheltered so, by stagnation or seclusion; and the freshness and power, the purity and usefulness, are perhaps greater where stir comes in, and ebb and flow of mighty tides, and tossing over rocks, and leaping down in torrents. At any rate, unless the soul lives in the unshaken certainty of childhood's convictions, any amount of unrest is better than the stagnation of carelessness. So religious discussion, the difficulties started and suggested by scientific study, or by what one has well called "philosophic pity"; controversy, argument, anything, is helpful to refresh and renew our confidence in the truth, to kindle our faith from a passive acquiescence to an enthusiastic assertion; which throws us back upon first principles; and leads us, in walking about the Zion of our soul's established home, to "mark well her bulwarks, and set up her palaces, that we may tell them that come after." The faith of childhood, sweet and calm and strong, is often like the features of a familiar landscape, seen in the soft twilight of the morning. Visit them in the high noontide, or bring the deeper lines and shadows of the evening-time about them; and strong manhood or experienced age sees and defines them far more distinctly than ever before. The Samaritans' experience will be vouchsafed to all such inquirers, who will discuss religion religiously; who seek, as the Bereans did, "whether the things are so," which they had heard; who, with the God-lover, in the Book of the Acts, look after the "*certainty* of the things in which they have been instructed": and they shall believe, not because of any one's saying, but because by inquiry, examination, controversy, discussion, they *know* that this is the Christ.

Religious discussion leads, and has led always, to the discovery of fresh evidence. Only two statements may be made in passing: first, that we indicate our confidence in the truths we hold by our readiness to discuss them, *if* the spirit of interest and inquiry, not of mere obstinacy and antagonism, lie behind; secondly, that people who are going to discuss religion ought to be furnished for the fray. Between scientists and believers, for instance, very often the religious man knows little religion and less science, and the scientist no religion at all. Unfurnished souls, with the symbols of faith but not its science, or untrained intellects, with the formulæ

of science but not their fundamental facts, are not ready to discuss. And when assumptions of knowledge are easily overcome by the believer's instinct, or when a merely conventional and formal faith falls before the force of secular reason, it does not mean that reason is weaker than feeling, or that reason is mightier than faith. It only means that in one case the reasoner, and in the other the believer, was not prepared for the contest. It will often happen that some stripling, whose only weapons are the homely and at-hand defenses of stones from "the brook that flows fast by the oracle of God," will be more than a match for the gigantic boastfulness of braggart, physical power; because the trust of the one is in God, and the other relies upon the brute force of ridicule, or louder talking, or ranting blasphemy. But boyish ministers denouncing science, alike with young students aping the independence of irreligion, are likely, and for the same reason, to come to grief, in the encounter with the plain weapons of common sense or simple belief.

And the very preparation for discussion, the examination of the arguments to be used, is a perpetual discovery of new proofs. Consciously, and of purpose, the student of Scripture, for instance, will find fresh tokens of its inspiration and new amazements of divine revelation. The harmony of Scripture; the illumination of an old passage, when the Inspirer of all Scripture sets it, like a jewel, in the fresh surroundings of its quotation in the New Testament; the marvelous* combination of spiritual truths with spiritual words, as when the difference in the number of a single word† is the keystone of an argument for the incarnation; the chronological line marked out by the varying terminations of the names of the first two and the last two of the greater prophets; the working out of the wonder of the Scriptural numbers, as Mahan worked it out in "Palmoni"—these are examples which any one, who has reveled in the depth and freshness of research into the *text* of the Holy Bible, can multiply infinitely.

This is equally true of scientific investigation. As an abstract first truth, as an inevitable axiom, we should claim this, and expect it at the start. And yet, so weak is the confidence of many Christian men, that they are perpetually surprised by the weapons of defense, discovered by those who are on the lookout for weapons of attack. In one of two ways it is safe to assume that every branch of physical research and every line of scientific inquiry has strengthened the evidences of revealed truth. And of these two ways the

* 1 Cor. ii, 13.

† Gal. iii, 16.

one is this : Men trace back, as they think, and perhaps correctly, forms and phases of life to some atom, some molecule, some minute beginning ; and behind that, which knife can not dissect, nor hammer break, nor chemist dissolve, nor spectrum analyze, nor microscope detect—*behind that* is “ God, the Father Almighty, Maker of heaven and earth.” Like the old geological theory of the world, which got down to the tortoise, “ underneath are the everlasting arms.” This, negatively. And, positively, the statement is just as true. Science is the handmaid of Religion. Investigation, by slow and painful steps, with many an error, and after long delay, leads the few who have time and brains for it, toward the dim conception and the imperfect recognition of what Revelation long ago declared to clear-eyed Faith. Of course, it is not claimed that the more a man knows of science the more he believes the Scriptures. For the bias of the mind at the start, or the absorption in the more earthly things of physical study, or the desire to uphold preconceived opinions, or the arrogance of intellectual pride, or the moral difficulty of preferring *not* to believe—all these have made scientific men infidels, sometimes. But they are unbelieving apart from, and they were unbelieving without, their science. Against these are to be set the men whom science has led to devout worship—the Galileos, and Newtons, and Whewells, and Millers, and Agassiz, and countless more. While the fact holds true, to any one who is familiar with the religious controversial literature of the day, that the accumulation of the results of study in every department of physics or philology—in the study of monuments, in the deciphering of inscriptions, in the examination of the strata of the earth, in the collection of fossils, in the study of the stars—the *accumulation of results*, when time and careful tests have sifted true from false, serves as a series of outside buttresses, completing and supporting the temple of that universal worship in which the Lord is, “ before whom all the earth keeps silence,” from denying blasphemy, or bursts into the anthem of adoring praise. And while the great hymn, *Te Deum*, with its clear and full acknowledgment of the God who reveals himself, is learned only from that revelation, its liturgical alternate is the anthem of Nature, articulate or inarticulate—“ *Benedicite, omnia opera Domini.*”

But in no way is the advantage of free religious discussion more marked than in its power of mutual correction of mistaken views of opposite opinions and its control of the universal tendency to exaggeration. For it is almost an axiom, that error is either a per-

version or an exaggeration of truth ; and discussion is the unraveling or disentangling of the knots and snarls of misstatement ; or the reduction, to its original shape, of the bare and simple truth. While the unbeliever errs in insisting that Holy Scripture contradicts his theories, because he misunderstands and mistakes what the Scriptures do teach, the believer is no less apt to overstate the scientist's assertion, to inject his own opinions into the teaching of the Bible, and to write his own views between the lines of the creeds. The great story of the creation of the world, for instance, is told in two books. In one, the book of Nature, the characters are confused, difficult to put together, and, like letters of the alphabet, by different collocations, able to spell out very varying sentences. It would be rather a forcible, but not too strong an illustration, to say, of this sort of scientific spelling out of Nature's story with its letters of stone, and fossil, and bone, that, using the same three letters, *g*, and *o*, and *d*, one arrives either at the highest spiritual or at the merest animal result. In the other book the letters are put together ; the characters are in their proper relation to each other ; the story is told at length. But it is a strange and difficult story ; condensed, not pretending to explain methods ; adapting itself, not to the infrequent scientific, but to the usual, common mind ; written with one simple end in view, the history of the present race of human beings who inhabit the earth, made of and redeemed by one blood, dying in the first and living in the second Adam. And different people reading this story have so mingled with it their own impressions of what it must mean, that, when the commentators of the two books face each other, it is often not the story of Nature against the story of Revelation, but the misspelling of one book against the misreading of the other. Fair, thorough, honest, earnest, anxious discussion gets back to first principles. Back from the assertions which scientists have reached by means of their air-suspended bridges of imaginative inferences from positive facts to utterly uncertain conclusions, to the stern and stark facts themselves ; back from the interpretations, impressions, deductions, with which theologians and thinkers have overlaid, and sometimes "made of none effect," the "Word of God," to this Word itself—the discussion of truth for the sake of finding truth leads every man away from his idols into the presence of God. The length of time occupied in the creation of the world, for instance, is simply stated in Holy Scripture to have been six equal periods of time. "The day," as we account it, measured be-

tween sunrise and sunset, could not have been before the creation of the sun. Saint Augustine read this in the Bible, before science thought of it. And when science has ascertained it, not by guesses, but by demonstrations in which astronomers and geologists will harmonize the stories of the stars and stones, the believer will fill up these periods with millions of years, if necessary. So, again, the book of Genesis, concerned simply with the beginning of this planet in which we live, implies (and reverent students found this out, *too*, before microscopists imagined it) that the formlessness of the chaos was really the ruins of a previous world. And when science has discovered pre-Adamite man or prehistoric traces of matter, the believer will accept them as wrecks and remainders of an earlier creation. These are but illustrations which might be multiplied to fill this Review. The same thing is true of differences and contests about miracles, about the character of endless punishment, about the actual resurrection, about the choice and grace of the elect, about the function and power of prayer. We have imported into them our own ideas of what they are, and often the ideas are utterly false. We may not put words into our opponents' mouths. They may not misstate our position. And neither they nor we can call our renderings or readings, of Nature or of Revelation, the word of God. And it is one untold "advantage of free religious discussion" that it clears the view, strips off disguises, blows away the distorting fogs of human inventions, and brings men eye to eye and face to face with facts and truths, with each other and with God.

WILLIAM CROSWELL DOANE.

THE REPUBLICAN PARTY AS IT WAS AND IS.

THE Republican organization began in the State of New York in 1855 with the nomination of Preston King for Secretary of State. Its national organization dates from the convention over which my father presided, held at Pittsburg, in February, 1856.

His object, and that of his Democratic associates who formed the organization, was to withstand the conspiracy against the Union then being matured by the use of the slave question.

He had been called to Washington by President Jackson in 1830, to aid in withstanding the conspiracy which was then being matured against the Union by the same class of politicians, by the use of the tariff question, and shared the conviction expressed by General Jackson in his letter of May 1, 1833, to his friend the Rev. Mr. Crawford, of Georgia, that the conspirators had been foiled in 1832 for the time being only, and that "*disunion and a Southern confederacy* was their object, and that the next pretext (upon which they would attempt to accomplish that object) *will be the negro or slavery question.*" (See letter, McPherson's "History," p. 389.) Nor did any considerable time elapse before the conspirators set to work, with "the slavery question," to verify the General's prediction.

The ground taken at the outset of the new agitation was, that slavery was not, as held by the founders of the Government, "a moral and political evil," but was "the most safe and stable basis for free Government," made a direct issue with the idea upon which the Union rested, and was itself a proclamation of war against it. For, while the Constitution tolerated slavery for the time being, it nevertheless condemned it by necessary implication, and contemplated its ultimate extinction, and its framers at once forbade it in all the territories, whereas the new creed demanded that it should be extended and perpetuated, and therefore involved the subversion of the old faith and of the Constitution and Government developed under it; and this was openly avowed by the leaders of the move-

ment when they finally threw off the mask and drew the sword upon the Union. Thus Mr. Alexander H. Stephens, the Vice-President of the Confederacy, in his speech at Savannah, Georgia, in March, 1861, declares that disunion resulted from the conflict between the ideas of the founders of the old Government and those of the founders of the new on this vital point.

He says : "The idea that the enslavement of the African was in violation of the laws of nature, that it was wrong in principle, socially, morally, and politically, was the idea entertained by Mr. Jefferson and most of the leading statesmen at the time of the foundation of the old Constitution. This idea," he says, "is fundamentally wrong. Our new Government is founded upon exactly the opposite idea. *This stone which was rejected by the first builders is become the head of the corner in our new edifice,*" and he significantly adds that, "we are now the nucleus of a growing power *which will become the controlling power on this continent.*"

Mr. R. Barnwell Rhett, of South Carolina, another great light of the Confederacy, spoke to the same effect in November, 1860, declaring that the confederacy would become the continental power by means of slavery. "Like all the great nations of antiquity," he says, "we are slave-holders," and in imitation of those nations he announces that their purpose was to extend their "*empire across the continent to the Pacific, and down through Mexico to the other side of the great Gulf and over the isles of the sea,*" etc. It was, therefore, because the *idea* which Washington, Jefferson, and other fathers of the Government had made its corner-stone, was held to be fundamentally wrong and was deemed to be a stumbling-block in the way of their progress to power over the continent, that they held it to be necessary to withdraw from the Government founded by our ancestors, and found *a new government upon exactly the opposite idea*, or, as Mr. Stephens expresses it, to make the stone (slavery) they had rejected the head of the corner in the new edifice. All the great nations of antiquity, they argued, had become great because they rested on that foundation, and, as our fathers had provided for its gradual removal, it was necessary to undo their work and provide that the foundation they were removing should be extended and made permanent, in order that the structure should overshadow the land.

But the disunionists, while for thirty years pressing the slave question for the purpose thus finally avowed, up to the moment when they thought their work accomplished, studiously endeavored

to conceal their object. At first they pressed it under the disguise of defending slave property against the abolitionists, although only citizens of the Border States, having no sympathy with the agitation, lost any slaves. Emboldened by success, they took a step forward and denied the right, which the fathers of the Government had exercised in Congress, of excluding slavery from the territories, although there were no slaves to be carried into the territories, and maintained that slavery could only be so excluded by the people of the territories when they framed a State constitution. Being successful on that point also, they repealed the Missouri Compromise, and attempted to bring on a conflict of arms by invading Kansas, and establishing slavery there by the fraudulent Lecompton Constitution, which a subservient administration attempted to force on the people. The Dred Scott decision, holding, in effect, that the Constitution of the United States carried slavery into all the territories of the Union, and, by parity of reasoning, into all the States of the Union, followed. If this policy had been acquiesced in, it would have been unnecessary for Mr. Calhoun's disciples to have dissolved the Union in order to set up a continental slave empire by the sword. Slavery would have become the corner-stone of the old Government, and the conquest would have been completed by political strategy.

To meet this aggressive and revolutionary policy, the Republican party was organized. This is plainly stated in its platform, in which it calls upon all who are "opposed to the repeal of the Missouri Compromise, to the extension of slavery into the free territories," and all who are "in favor of restoring the action of Government to the principles of Washington and Jefferson," to coöperate with it.

It was charged, of course, that the object of the party was to make war on slavery in the States, and it was sought to confound it in the public mind with the abolition party, who were avowed disunionists, and whose recognized leader, Mr. Wendell Phillips, took sides at New Bedford, Massachusetts, in 1861, with the rebels and against the maintenance of the Union. But the Republican party, in its national conventions, formally disclaimed all sympathy with the abolitionists; and in 1860, at Chicago, pledged itself to "maintain inviolate the rights of the States, and especially the right of each State to order and control its own domestic institutions," and "denounced the lawless invasion, by any armed force, of the soil of any State or Territory, no matter under what pretext, as the greatest of crimes."

Even when the war for the slave empire had been in progress almost eighteen months, Mr. Lincoln, in his memorable letter of August 22, 1862, to Mr. Greeley, defined "his policy with respect to slavery" to be, "*to save the Union*. If there be those," he added, "who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. *My paramount object is to save the Union, and not either to save or to destroy slavery*. If I could save the Union without freeing any slaves, I would do it; and, if I could save it by freeing all the slaves, I would do it; and, if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union, and what I forbear I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe that I am doing hurt to the cause, and I shall do more whenever I believe doing more will help the cause."

Multitudes of Union men adhered to opposing organizations from party feeling, misapprehension of the true object of the Republican organization, and from distrust of those who were supposed to control it. But events fully vindicated the wisdom and patriotism of the Democrats who founded it, by verifying Jackson's prediction. The politicians, whose attempt to break up the Union on the tariff pretext he had foiled, did exactly what he predicted they would do—resorted to the *negro or slavery question* for the same purpose. He showed how false the pretext was upon which their first attempt was made, and Messrs. Stephens and Rhett showed still more clearly, in the papers above quoted, the falseness of the pretext upon which the last attempt was made.

The appeal to arms by the Confederates, for the purpose, avowed by their Vice-President, of establishing a slave empire over the continent, when, by the election of Lincoln, their attempt to accomplish that purpose by the use of the old Government was thwarted, shows beyond all controversy that the exigency which called the Republican party into existence was in fact, what its platform professed—to reinstate and maintain the principles of Washington and Jefferson in the conduct of the Government. To fulfill that duty it was plainly necessary to suppress the rebellion against the Government they had founded, and the slave institution used to bring on the rebellion. Indefensible acts were undoubtedly committed

in performing this duty, but the spirit which governed the great leader of the Union party during the conflict was the spirit of moderation and justice and respect for law which speaks in his letter to Horace Greeley, above quoted. All who were associated with him were impressed with the scrupulous conscientiousness with which he endeavored to adhere to these principles in the exercise of the great powers devolved upon him by the war. As an illustration of this I will mention the fact that, when he finally became convinced that it was necessary, and therefore lawful, for him to issue the Emancipation Proclamation, he excepted from its operation the places in the Confederate States then within our lines. Mr. Chase objected to this exception, and particularly to the exclusion of New Orleans. But Mr. Lincoln adhered to the exception, saying he had power to issue the proclamation only in virtue of his power to strike at the rebellion, and he could not include places within our own lines, because the reason upon which the power depended did not apply to them, and he could not include such places for the sake of convenience or to conform to State lines, or because he was opposed to slavery.

The propriety of this measure was doubted by himself for some time, and he was slow in resolving upon it. But General McClellan's Harrison's Landing letter, of July 7, 1862, advised emancipation as a war measure, and he no longer hesitated. All parties were soon in accord on the subject, for the opposition nominated McClellan for the Presidency.

The suppression of the rebellion and of slavery, with the sanction of all parties, put the Government at once upon the basis of freedom, upon which its founders intended it should permanently rest, and for ever dispelled that vision of continental conquest and empire by slavery which had lured the confederates from their allegiance. The mission of the Republican party was therefore accomplished, and accordingly the President, by proclamation, notified the Southern people to resume the exercise of their privileges and the discharge of their duties under existing State and Federal constitutions. But the centralists, or anti-constitutional element of the Republican party, took issue with this proclamation, contested Lincoln's re-nomination to the Presidency on that issue, and passed a bill through Congress denying the rights recognized by the proclamation, and asserting the right of Congress to prescribe the terms upon which the people of the South should be admitted to fellowship in the Union. The President, holding that the States had not been out

of the Union, maintained that Congress had no greater power of legislation over their affairs than over the affairs of other States, refused to sign this bill. Nor could any party or personal consideration move him from this position. His election was pending at the time. The centralists had nominated Fremont, to force the President to yield by threatening to divide the party and defeat him, if he refused to do so. But he was inexorable. Nor would he accede to the compromise, tendered him at the subsequent session of Congress, to allow the States of Louisiana, Tennessee, and Arkansas, which the people had reconstructed under his proclamation, to stand, if he would allow Congress to reconstruct the other States.

This Wade-Davis bill, as it was called, asserted the omnipotence of Congress, and foreshadowed the usurpation, corruption, and centralization which have signalized the career of the Republican party since the death of Lincoln. It contained the germ of all the Reconstruction measures, of the Enforcement acts, of the Federal Election law, and of many other usurpations, and of all the scandalous jobs of the Credit Mobilier type which have followed. Space does not permit me to sketch these measures, and show by its works what the Republican party has become, nor is it necessary to do so. A few lines from an editorial of the "*Cincinnati Gazette*," of 1874, then and still the leading Republican journal of the West, sufficiently shows the result: "The argument," it says, "of the Republican politicians for conferring the governing power on nearly a million of men of a race degraded here by ages of slavery," was "that they would know enough to vote for their own friends. No one thinks it worth while to stop at anything. In fact, no one thinks we have anything in this Government worth preserving save the chances of a party in it. Government in America is a thing of public contempt"; and the editor significantly asks, "Is not general disgust with the Government the always ready opportunity for the coming man on horseback?"

By refusing to sign the Wade-Davis bill, Mr. Lincoln vindicated the party which elected him to the Presidency, and distinguished it from the party whose rule has since brought Government into contempt, and so nearly furnished "the opportunity for the man on horseback." The great difference between the party which Mr. Lincoln represented and the Republican party of to-day arises from the fact that Lincoln kept its pledge "to hold inviolate the rights of the States as essential to that balance of power on which the per-

fection and endurance of our political fabric depends," while that pledge is disregarded and even scouted by the Republican party of to-day. And the difference in practice is the difference between responsible and irresponsible government.

It was apparent to the founders of the Government, from the very nature of things, that no responsible government, State or national, could be maintained if either were allowed to frustrate the operations of the other, and the debauchery which has resulted from the departure from this principle by the centralists, since the death of Lincoln, is but a striking illustration of this obvious truth. It is the practical *reductio ad absurdum* of centralism, as secession was of States-rights extravagance.

There is one result from superseding Lincoln's proclamation by the centralists of which they seek to take advantage, to which I invite attention. It will be remembered that the people of the South responded promptly, after the Confederate armies were driven off, to the proclamation, reorganized their State governments, annulled the secession ordinances, all obligations created by their secession governments, adopted the emancipation amendment, and elected Senators and Representatives to Congress, *every one of whom, without exception, had opposed secession*, thus subordinating themselves in all respects to the Constitution and laws of the United States as they stood, and condemning in the most marked manner the fraud by which the secret organizations of secession had seized their governments and forced them into rebellion. But the governments thus instituted by the people were overthrown by the military under Thad. Stevens's Reconstruction Bill, for the avowed purpose of appropriating to the Republican party the political power of the South. By that bill the power of establishing suffrage was exercised by Congress in direct violation of the Constitution, which in terms gave that power to the States; more than half the whites were disfranchised, and four millions of blacks were given forty-six thousand more votes than eight millions of whites, and a class of camp-followers were installed in the State governments who fleeced the impoverished people by exorbitant taxation while burdening them with one hundred and seventy millions of dollars of debt for which the States received no value.

Extremes beget extremes; hence it is not surprising that the people thus subjected to years of humiliation and spoliation, when they recovered the right to be heard in the councils of the nation, should send the bitterest secessionists they could find. They had

condemned these men, but Thad. Stevens and his carpet-baggers had more than justified them. Here is the explanation of the presence in Congress of so many Confederate brigadiers, and of some even of the old plotters of secession, who would otherwise have scarcely been tolerated in the South. If this result was not calculated by Stevens and his associates, it certainly is just what they desired, for it has served to keep alive sectional jealousy and hate, and subjected elections in both sections to the control of these passions; freed the politicians from responsibility on administrative questions, licensed their jobbery, and explains their coöperation in setting aside Tilden's election because he would suppress sectionalism and the jobbery fostered by it.

The object of centralism, as it was of secession, is irresponsible power. We have seen that secession sought to accomplish that object by making slavery the basis of a continental conquering power, to be modeled after the so-called ancient republics, the greatest of which was a patrician oligarchy. With the same object, the centralists have sought to fortify and perpetuate themselves in power by establishing great moneyed interests to which the Government is made subservient, and by the lavish and corrupt use of money collected directly from the people.

During the nine years ending June 30, 1875, there was paid for the ordinary expenditures the enormous sum of \$1,396,808,348.57, exclusive of all payments for pensions and interest. The annual payments during this period of profound peace were more than threefold as great as they had ever been before the war, and the aggregate falls but \$45,000,000 short of the whole expenditure for all purposes during the seventy-one years which preceded the war, including the cost of all the Indian wars, the war with Great Britain, with Mexico and Tripoli, and the price paid for Louisiana, Florida, and California! Such expenditure involves necessarily the utter demoralization of public life, and accordingly we find it has created a multitude of corrupt combinations of public men known as rings, such as the Credit Mobilier ring, the Indian ring, the Whisky ring, the District of Columbia ring, and others which have scandalized the country.

This policy also originated the grant of 171,000,000 acres of public land directly and indirectly to railroad corporations, an area greater in extent than New England, New York, Pennsylvania, New Jersey, Delaware, Maryland, Indiana, and Illinois. The value of this land in the near future is beyond computation.

It consists of the best of the public lands, and comprises nearly all of the agricultural land remaining unappropriated. Estimated at five dollars per acre, it is already equal in value to one half of the public debt. But, not being subject to State or national taxation, the mass of it will be held *in mortmain*, and become the source of unlimited wealth and political power to the numerous and powerful corporations by which it is held.

Another great factor of Republican power is the enormous annual grant made to the manufacturing class out of the people's pockets by the protective tariff. It is demonstrated by an eminent statistician that this system compels our farming class to pay annually not less than \$340,000,000 more than the actual value of the manufactured articles they use, while greatly reducing the price of everything they produce.

Another great interest established to maintain the centralists in power is the national-banking system. More than three thousand institutions have been invested with the banking franchise and with the credit of the United States, made public depositories and the almost exclusive depositories of individuals also, for all other institutions have been taxed out of existence.

These and other allied money interests now hold the Government. They constitute what Mr. Conkling in his speech of the 18th of September calls "our colossal fabric of commercial, industrial, and financial interests," and whose help he so earnestly invokes, telling them in substance that the real issue in the election is between them and the people, or whether the rich or the poor shall govern. He had said, in opening his address, that "the general issue confronting us is in itself and in its bearing sectional," but he offered no proof of this assertion, save only that the South was united in support of the Democratic candidates. He did not adduce a single fact tending to show that the masses of the *people* of the different sections have now any antagonistic political or pecuniary interest, or give any reason why the *people* of the North who favor economical and honest administration, and government by the people and for the people, instead of by "our colossal fabric" and "for our colossal fabric," should not coöperate with the people of the South in effecting their common objects, or attempt to show that the Southern people were not now striving in good faith for those desirable objects.

MONTGOMERY BLAIR.

THE RUINS OF CENTRAL AMERICA.

PART III.

I VENTURE to offer here a few observations on the conditions of life in elevated regions. Some writers have asserted that, at altitudes over twelve thousand feet, human life is shortened by at least one half. Now, at Tlamacas, where I found myself among the Indians who take out sulphur from Popocatepetl—that is to say, among people who live at an elevation of nearly twenty thousand feet—every one appeared to enjoy good health. The foreman, or *volcanero*, as he is called, has worked for twenty-seven years in the volcano, and his brother thirty-two years, yet both are strong and healthy. Others have worked from fifteen to eighteen years without experiencing any ill effects whatever, and it is only those who indulge in strong drink that are short-lived. Here, again, I must challenge the judgment of certain authors who hold that at high altitudes spirituous liquors are specially harmful. Excess works the ruin of all those who abandon themselves to it, but every one of the laborers in the volcano takes, in the morning and in the evening, and sometimes at noon, a good draught of *mezcal* or *habanero*. They say that without the grog they could not endure the climate or undergo the fatigue. Nevertheless, their triple ration of spirits would be for a stranger far in excess of moderation.

EXPEDITION TO THE MISPAYANTLA BARRANCA.

A *barranca* is a deep valley with perpendicular walls between mountains; the barranca of Mispayantla is one of the most picturesque of them all. Beginning at the Friar's Peak, at the very foot of Popocatepetl, it stretches toward the west till it debouches in the plain of Ameca. When I was in this region before, the Indians brought to me sundry objects in terra-cotta purporting to come from this barranca. Further, they spoke of caves or grottoes, and

now I determined to explore them. Accordingly, on the 13th of July, accompanied by a guide and three Indian laborers, I visited the barranca. The grottoes are situated at the height of two hundred and thirty feet from the ground, and my Indians had to cut steps in the rock and clay to enable me to reach them.

At first sight the effect was a grievous disillusion, for the caves are simply immense rock-shelters. Into the largest one, which has an opening one hundred and forty feet in length, one can penetrate on all-fours for a distance of forty or fifty feet ; but the place is quite uninhabitable, owing to the infiltration of water. Certain diggings and dirt-heaps gave evidence that we had been preceded here long before by other searchers, and all appearances went to show that these caves had never been used except as a temporary habitation or as burial-places.

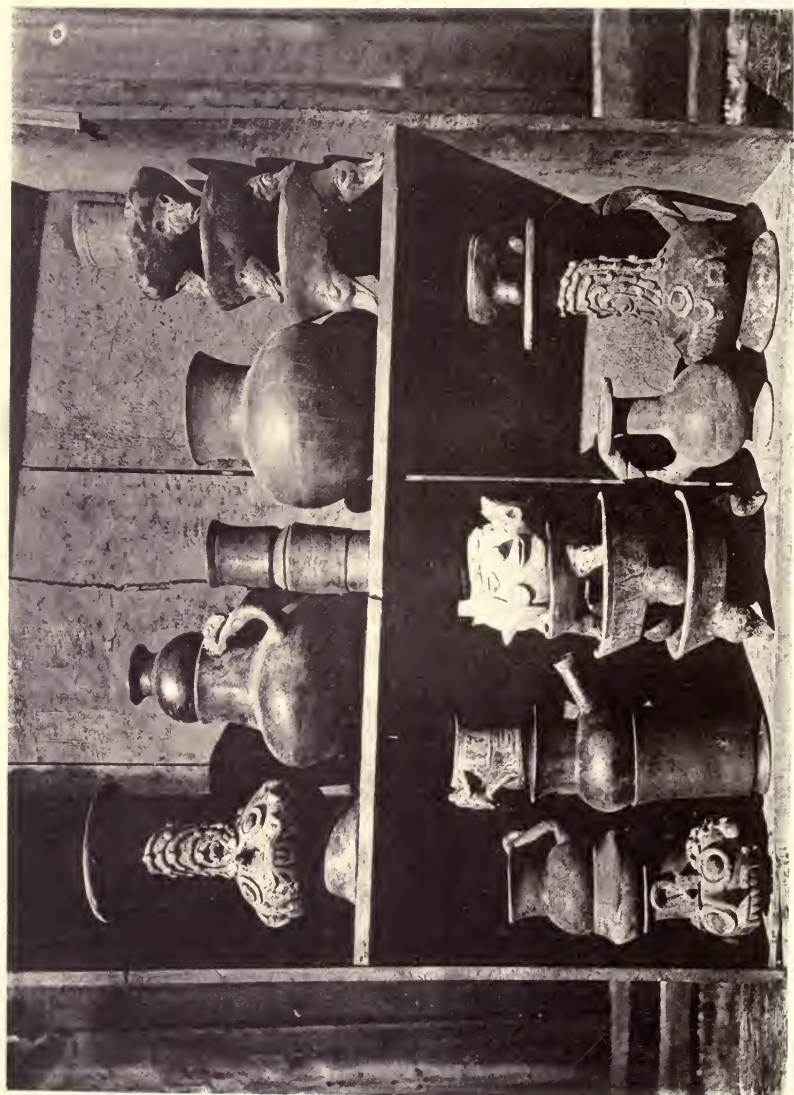
Broken ornaments and fragments of skulls lay scattered here and there, but there was nothing worth collecting. Two wooden crosses showed that the Indians were not unmindful of their forefathers. The two smaller caves could at best only afford shelter from rain. Still, from the few fragments we gathered, we may in some measure divine the end and aim of the men who took refuge in these inaccessible heights. We found handles of saucepans of all sizes and of different kinds of clay, some of them neatly fashioned, others rudely. Then we found fragments of red earthen vases with a fair glaze, and striped with black ; an unfinished idol representing Tlaloc ; a tube with holes bored in it, and which may be part of a flute. In all probability these caves were occupied as places of refuge by the Indians after the conquest, to escape from the persecution of the Spaniards and the hard labor in the mines. Here they lived in misery, and here they buried their dead. The caves are situated ten thousand four hundred feet above sea-level.

An Indian of considerable intelligence has given me a new explanation of the cemetery of Tenenepanco : I find nothing of the kind in the historians of the conquest. They merely tell us that, though sometimes the Indians buried their dead high up in the mountains, they usually buried them in their houses, in their gardens, or in the immediate neighborhood of their homes. According to my Indian informant, all the agricultural populations around about Popocatepetl paid special worship to Tlaloc, the rain-god. He was their principal god, and from him came the harvests, both good and bad. When there was plenty of rain, there were abundant crops ; when rain failed, there was famine. These rural popula-



CARICATURE IN TERRA COTTA OF A FRIAR

Found by M. Charnay at the Cemetery of Tenenepanco.



TYPES OF VASES

tions were accordingly wont not only to dedicate themselves to the service of this god, but also to consecrate to him their dead, in the hope of thus winning his favor; and as they supposed Tlaloc to inhabit the high places, and especially the volcano from which the storms descended upon the lowlands, they carried their dead up into the mountains. The great number of idols representing Tlaloc, and the many vases bearing his image, found by us in the cemetery, go to confirm this tradition.

On the 15th of July we visited the mounds at Ozumba and at Chimal, now inconsiderable villages, but anciently great centers of population; they are situated about ten miles to the south of Amecameca. The Indians call these mounds *cue* in the singular, *cues* in the plural (*graves*). A singular mound stands in the middle of the village of Ameca, and this, like all the others, belongs to Indians. Now, the Indians are extremely distrustful when you ask whether the *cue* belongs to them. They hesitate at first, and then answer: "Yes; but they are in partnership with such a one; they only rent it; they will have to consult this one and that; in short, they must have time to think the matter over, and they will give an answer in four or five days." It is no use to assure them that you will pay twice over for any damage done by opening the mound. After having been held in suspense for many days, I obtained from the owner of the ground on which the Amecameca mound stands permission to open it.

At the foot of the mound is an abandoned chapel, and half way up its side is the house of the Indian who owns the ground. At the base it measures two hundred and ninety-six feet by two hundred and thirty. It no longer possesses its original form, and has been reduced in height, and the contour of its sides has been altered. Its present height is nearly thirty feet, and the Indian tells me that he has removed the earth to the depth of eight feet from the top to add it to the sides. Having ascertained the center of the mound, we sunk a shaft four metres (thirteen feet) square. As the work went on, some fragments of ancient pottery were found, some of a brilliant red color, and covered with figures in a very primitive style of art. These fragments of pottery were part and parcel of the soil used in the construction of the mound, and, of course, antedate it. Besides pottery we found adobes, and a great number of large cobble-stones. Some specimens of cut stone, too, were found, proving that the Chichimecs succeeded to a long-extinct civilization.

Amecameca was one of their earliest stations on the plateau, and thence they went to Tenayuca, finally transferring their capital to Tencaco. At the time of the conquest, theirs was the most brilliant civilization of the valley of Mexico ; and the illustrious reigns of Netzahualcoyotl and Netzahualpilli, by their advanced ideas, their arts, their literature, and their philosophy, eclipsed the more pretentious empire of Montezuma. The Chichimecs had been the predecessors of the Aztecs on this plateau, and had been the first to acquire the idea of civilization from the Toltecs, by forming alliances with certain Toltec tribes who remained behind when the main body of their nation quit Chalula, and directed their steps southward.

However this may be, the sameness of their idols, the peculiar form of their temples, and the resemblances existing between their articles of use and of ornament all go to establish a relationship between these different populations of Anahuac ; and the civilizing impulse given to them all by the Toltecs has, so to speak, fused them into one single nation. Later, we shall observe quite different results among races conquered by these same Toltecs—for instance, in Yucatan ; and there we will endeavor to discriminate between the monuments of the conquered race and those of the conquerors.

But this resemblance of the antiquities of the Anahuac nations among themselves is not restricted to the period when the Aztec empire existed at its highest degree of civilization ; it is traceable back to the earliest times among the races who preceded the Aztecs—at Teotihuacan, for instance.

The shaft was sunk down to the general level of the surrounding ground without bringing to light any remains other than such as have already been mentioned. We found no human remains whatsoever. Possibly the changes made in the contour of the mound have displaced the relative position of its original center ; possibly, too, Indian tradition and Indian nomenclature may be at fault, and, instead of being a funereal mound, it may be the base of a temple. But, though we failed in the principal aim of our search, we nevertheless discovered a few objects of interest, among them a *marble*, which shows that the children of this ancient race played one of the games familiar to our own children. Then we found a terra-cotta head, admirably modeled, of a type entirely different from all others we have seen ; the coiffure, too, is absolutely unique. I found also the jawbone of a wild-boar and the jawbone of a hare.

Better success attended my researches in another direction. The existence of the cemetery of Tenenepanco in the heights of the Sierra having led me to infer the existence of similar burial-stations, I made inquiry among the Indians, who mentioned several places where, as they said, *tepalcates* (fragments of pottery) were to be found. A visit to the localities indicated was without results of any moment. But, on inquiring of other Indians, I was so fortunate as to obtain from one of them sundry specimens of pottery and a few idols of stone. I asked where he had found them, but he at first declined to indicate the exact spot. At last, on my promising to pay him twenty dollars, he agreed to conduct me to the place.

Accordingly, on the 28th of July, at six o'clock in the morning, I was on the road, accompanied by Huberto, the Indian in question, three laborers, and a *tlacuadero*, or man to fetch us our provisions each day. After clambering up the sides of Iztaccihuatl for seven hours, we reached its summit. At our feet lay an oblong valley, about a mile and a quarter in length by half a mile in width.

This little valley reminds me of the "happy valley" of Rasselas. It is separated from the rest of the world by its mountainous walls, which externally present a front of crags, while on the valley side they descend in gentle slopes. These slopes are covered with stunted pines, for here vegetation reaches its limit. Higher up nothing is seen but the naked rock. In the valley itself not a tree is to be seen, but the black soil is covered with a heavy growth of grass; and the unfortunates who fled from the tyranny of the Spaniards could nowhere else have discovered a more secure refuge. Indeed, we find ourselves here in presence, not of a cemetery, as at Tenenepanco, but of a spot that was inhabited for a considerable length of time after the conquest.

The place is called Apatlatepitonco. Tradition is silent about it, but a survey of the ground and a study of the objects found will enable us to reconstruct its history. This spot was once inhabited, for we find traces of dwellings. Then at the northwest end of the valley is seen a pond, two hundred feet in diameter, excavated by the hand of man, and which was designed to hold the water-supply. Two oblong quadrangles surrounded by stones showed where the dead were buried. I will now state the results of our digging in this spot.

In my impatience I at once set the men to work, and in less than twenty minutes we found some forty vases, plates, cups, etc. The vases are of the same shape and of the same style as those of Tene-

nepanco, but they are of a less fine clay. They give evidence of less skill, or of a lack of appropriate material. The unfortunates who took refuge in this remote locality had not at their disposal the facilities enjoyed by the dwellers in the plain, and their life must have been one of privation.

We observe at the first glance a great difference between Tene-nepanco, which was simply a burying-place, and Apatlatepitonco, which was a place where men lived. But in both the same religion prevailed—the worship of Tlaloc; there were the same customs, the same instincts. I found several idols of stone, some of them very large, others smaller, but all with their surface corroded, the polish gone. None of the idols found at Tenenepanco were of stone, but all of terra-cotta. I take from my journal the following notes of the progress of the work of excavation :

July 30th.—We open a trench, following the direction of certain stones planted vertically, most of them from two to three and a quarter feet in height. Each of these stones seems to indicate a grave. At each we find vases bearing the figure of Tlaloc, buried from sixteen to twenty-four inches beneath the surface. They are nearly all broken or decomposed, but a few are whole. We find no bones, strange to say. The first day our trench attained the length of twenty feet, and we collected about one hundred objects of every kind—plates, cups, vases, idols. These vases, as has been already said, are of coarse clay, and are to all appearance very ancient. After all, this valley may have been inhabited, not as a refuge from the persecuting Spaniards, but as a center of religious worship. The presence everywhere of images of Tlaloc, the god of rain, would seem to confirm this supposition.

July 31st.—After a cold night, with wind and rain, we resume work in the morning. Our first find was a large vase or urn, with wide mouth, but broken, containing twenty-two small stones without any sort of mark. What do these stones mean? Possibly they indicate the age of the deceased. Again no trace of bones. This grave was three feet three inches in depth, and it was eight feet beneath that we found the urn. During the day, we found about the same number of vases as yesterday, and in the same style, yet the figure of Tlaloc on each presents notable differences. The terra-cotta idols are always rude or grotesque, and all of the self-same hieratic type.

August 1st.—To-day we visit the pond or reservoir. Here we observe half a score of stone mounds round about the pond, while

a larger group occupies its center. In the middle, after removing the stones, I had an excavation made three feet four inches square, though not without difficulty, as the water kept filling the hole. It was labor in vain, for we found not a single memorial of the past; so we went back to our work in the valley. The head man of our Indians, a man of intelligence, and who seems to be versed in the traditions of his people, assures me that not long ago there stood in the middle of the pond—he saw it himself—a stone cross, and that on each of the other stone mounds in the pond was a cross of wood. It is more than probable that these crosses were erected by Christianized Indians, at a time long after the conquest. Tradition says (it is my Indian informant who speaks) that, while idolatry reigned, the people from round about used to come in processions, as on pilgrimages, to this valley, consecrated to their favorite deity, and that Tlaloc was wont to manifest himself to his faithful worshipers in the middle of the little lake, which contained his *adoratorios*.

August 2d.—The same labor, with like results; we have all that we can do to cleanse the vases found by our laborers. To-day we add to our collection two pairs of pottery specimens that are quite unique.

August 3d.—Among the objects found to-day, one is worthy of special mention, viz., a face bearing the grinning visage of Tlaloc, like all the rest. But here the ornamentation is carried to a degree of exaggeration, and the right hand of the figure holds a perfectly modeled serpent. We also found a fragment of another piece of pottery, on which again was modeled a hand holding a rattlesnake. We still discover no bones. It is doubtful whether there is a human body buried in this valley. Nevertheless, there is no question but that the place was at one time a cemetery and a dwelling-station.

August 4th.—To-day, beyond the usual objects, we found only some of those large broken vases with a number of stones, varying from twenty-five to thirty, and supposed to indicate the age of the deceased. Our labors here are nearly ended. We have nearly six hundred specimens; the field has been thoroughly explored, and the mine is exhausted. We shall quit the place to-morrow. As we are about to leave, we find among some *débris* an object which recalls the conquest, viz., a flat piece of terra-cotta, on which is unmistakably modeled the figure of a *caballero*. The inference is plain that this place was inhabited at the time of the conquest and later. But it must have been abandoned soon afterward, else we

should have found memorials of that time in greater numbers. On August 5th we are again in the city of Mexico.

One word more about the figure of a Spanish *caballero*. The Indians had certainly made a god of him, for they fashioned him after the manner of their idols. The flat piece of terra-cotta containing his image is identical with those which bear the image of Tlaloc. In short, the conquerors passed for gods, but only during the first few months after the conquest. The specimen must date from the year 1520, and it is worthy of note that, while the Indians were making a god of the warrior, at the same time they were caricaturing a priest. They felt the power of the one, but as yet they knew not the function of the other.

THE STONE AGE AMONG THE MEXICANS.

It has been said that the highest American civilizations belong to the neolithic period. On this subject we may offer a few remarks that will not be without interest. In the first place, their neolithic age was a period of transition. The Mexicans used copper—tempered copper. Of this material they made ornaments and hatchets, and in all probability they dressed hard stones with an instrument of tempered copper.

Their stone age was far more advanced than the corresponding stone age of Europe and other parts of the world. Curiously enough, as a rule, their hatchets, chisels, and gimlets, though of nearly the same shape as those of Europe, will not bear comparison with instruments of the same class found in Denmark or in Celtic Gaul. The Mexican arrow-heads of quartz or of obsidian, too, were inferior; indeed, they are far from possessing the finish observed in similar weapons made by the Indians of California.

This carelessness on the part of the Mexicans seems to have been deliberate, the result of some traditional idea. I have a number of these weapons, and they are all ill-shaped and rude.

On the other hand, nowhere else do you find stone jewels belonging to the same period that are of so high a finish, so exquisitely polished, or so artistically wrought. I have seen sculptured heads that might compare with the sculpture of Egypt, of Rome, or of Greece.

The neolithic age of other nations shows no such artistic taste as that which distinguishes the textile fabrics, the painting, the writing, etc., of the Mexicans, or their sculptured or molded heads, some of which are genuine masterpieces.

Neither has the stone age in other countries left structures so remarkable as those of Yucatan, structures which, in the Old World, would be considered as belonging to the most advanced periods. Architecture among the Aztecs, but still more among the Yucatecans, attained so high a degree of artistic development as to excite our wonder.

In their moral institutions, too, and in the philosophic spirit that animated a certain class of the population, these ancient American nations differed from the stone-age populations of Europe. To understand this, we have only to read in Sahagun the moral instructions addressed to children, and the same author's account of their mode of educating the young. In these respects they had nothing in common with the stone age ; they had passed far beyond it.

We may add that Europe was lifted out of the savagery of its stone age by the Phœnicians and Carthaginians, who in their ships visited the seacoast and the shores of the Baltic to barter their products, among them bronze hatchets, for amber, thus initiating the rude populations of Europe in the working of metal. On the other hand, the Toltecs, Chichimecs, Aztecs, etc., isolated as they were from the outer world in the interior of their continent, were forced to pass unaided through all those protracted trials which lead a people from one stage of culture to another. This circumstance undoubtedly rendered their progress more slow (though in my opinion it was very rapid), but it did not tend to arrest the development of their artistic tastes by occupying them with a multitude of other branches. They have this advantage over divers nations of the Old World, that they appear to have risen by their own efforts.

DÉSIRÉ CHARNAY.

THE NICARAGUA ROUTE TO THE PACIFIC.

FOR some years—indeed ever since the announcement of the results of the Nicaragua surveys—made under the orders of the Government in 1872-'73—it has been believed, by those who have given the work attention, that a close examination of the Lajas route might establish the possibility of diverting into Lake Nicaragua the head waters of the Rio Grande, which now flow into the Pacific; this diversion of its waters proving practicable, a much better location than the one heretofore preferred, known as the Rio del Medio route, could be adopted.

Those familiar with the maps contained in Commander Lull's report will remember that between Lake Nicaragua and the Pacific the two routes form, as it were, the arms of the letter Y, the branches resting on the lake, and the foot at Brito, the proposed Pacific terminus. The Rio del Medio is the northern arm, and, although the depth of cutting, and the mass of excavation also, was much greater, it was preferred on account of its evidently better capabilities for surface drainage under the normal conditions of the water-flow. The diversion of the head waters of the Rio Grande, recently found to be entirely practicable, makes the southern arm, *via* the Lajas, the preferable route, permitting as it does an excellent surface drainage, and disposition of surplus water through waste-weirs, almost an entire avoidance of curves, and a reduction of estimated cost, on the same basis for labor as heretofore given, of \$7,052,721. This reduction, too, notwithstanding allowance in excavation, is made for an enlarged prism of canal, ample to meet the demands of the friends and the criticisms of the enemies of the canal. The surveys, maps, profiles, and calculations are the work of civil-engineer Menocal, and have been presented to the Society of Civil Engineers of New York for discussion.

On the eastern slope, the river San Juan, from Lake Nicaragua

to the mouth of its tributary, the San Carlos, is a broad stream, with a constant and large discharge, but having four falls or rapids. An examination shows that with a small amount of subaqueous excavation and a dam forty-nine feet in height, and somewhat over two thousand feet in length, the river above can be wholly disembarrassed for the free navigation of any class of vessels. It will be broad and deep enough to permit any rate of speed, as the lake itself, of which indeed it will form simply an extension, making an uninterrupted transit, between the canalization on the east coast and that on the west, of one hundred and twenty miles.

Just above the mouth of the San Carlos it is found that the canal can leave the immediate vicinity of the river San Juan, and be located almost in a direct line to the harbor of Greytown, a distance of only thirty-six miles. This will reduce the length of the tentative line of Commander Lull's survey, below the mouth of the San Carlos, no less than six miles; will dispense with the lateral canals around the different dams, 3.5 miles in length; and, as before stated, will substitute a single dam of forty-nine feet for the four dams heretofore proposed. It is proper, however, to remark that an increase of height of the one dam, as now proposed, will necessitate a broader foundation and increased strength of structure, which, duly allowed for, will, as a whole, result in a material economy.

The present proposed location of the canal between the river San Juan, from one mile above the mouth of the San Carlos to Greytown, is instrumental in part only. An inspection was made of the remaining distance, along a route that will involve nowhere deeper cuttings nor a greater average depth per mile than the old location, and will permit excavation through a longer section by dredging-machines. While this fact is fully assured, the examination has not been of such a character as to permit the presentation of map, profile, and calculations. It is to be regretted that, when the survey of the Lajas route was completed, the rainy season had set in, which made an instrumental examination of the east coast, if not impossible, at least difficult and unsatisfactory. When this route is examined instrumentally, its great advantages in reduction of distance of canal excavation and of labor requisite, and consequently of estimate of cost, both of construction and maintenance, will be plainly apparent. The reader will appreciate the wide difference between a reduction of estimate based upon a more perfect knowledge of the topography, and a reduction supposed possible from a less cost for a given amount of labor.

For the past two years official letters have been on file in the Navy Department, setting forth the probable favorable results of resurveys of these routes, but have not been acted on heretofore because no special appropriations existed, and perhaps because it was supposed to be the province of a canal company to develop superior locations as far as they existed. A study of Commander Lull's surveys will show the probability of a better location along the Lajas route, where is found so low and wide a summit considered in its cross-section, between Lake Nicaragua and the Pacific coast. Although known to engineers, the intelligent public is not generally informed that the summit, or "divide," between the lake and Pacific, has only an elevation above the seas of one hundred and fifty-one feet, or only forty-one feet above full lake, as it would be maintained by the proposed dam, or one hundred and ten feet above the level of the ocean. The almost immeasurable importance of this grand reservoir, more than three thousand miles in superficies, can not be over-estimated, furnishing as it will, in all time, tenfold the water-supply that can ever be used in lockage, however great the traffic, and regulating and controlling the flood-waters as no work of man could.

The examination of the San Juanillo River by civil-engineer Menocal several years ago, for the Government of Nicaragua, induced the belief on his part that no line of hills would be found which would be an impediment to a more direct location of the canal between Greytown and the waters of the upper San Juan. He made at that time an instrumental examination and relocation of a part of the canal line near Lake Silico, and substituted a cut of forty-three feet for one of one hundred and forty-nine feet, the heaviest indeed along the whole line of excavation. The Paris Congress was informed of this partial relocation, and of the entire probability of further improvement and reduction of cost likely to result from a critical examination of this region.

It is proper to state that, at the time of tentative location of this part of the line, the season was far advanced. No one supposed it would prove throughout its length the best, but as an actual instrumental location it established the entire practicability of the route, and was the best which the time and means at hand permitted. Happily, enough is now known of that region to assure ameliorations instead of increased obstacles to the construction of a canal. The present knowledge of the topography establishes the following, taken from the notes of Mr. Menocal :

	Miles.
Length of Lajas route from the lake to the Pacific.....	17'27
“ lake navigation.....	56'50
“ river “.....	63'90
“ canal from San Juan River to Greytown.....	35'90
Total distance.....	173'57

Making 53·15 miles of actual canalization.

Decrease on former estimate of cost between the lake and the Pacific...	\$7,052,721
“ “ “ in dredging and blasting on lake and river..	1,356,900
“ “ “ from dispensing with short canals.....	1,056,922
“ “ “ from six miles less of canal excavation....	1,917,336
Deduct from first estimate—total.....	\$11,383,879
First estimate.....	52,577,718
Present estimate on same basis of cost for labor.....	\$41,193,839

It is safe to assume that a final location will reduce the estimate to within \$40,000,000. If we add one hundred per cent. as a contingent fund, as did the commissioners appointed by the President, the entire cost on completion would be \$80,000,000. Abundant capital in a great work is always a safeguard against delays, so vexatious and expensive when they occur, as they did in the construction of the Suez Canal, and as they are liable to occur under similar conditions.

In the Paris Congress the opinion universally expressed was that the estimates for labor given by Mr. Menocal were altogether too high, but there must necessarily be a wide difference in cost of labor in Europe when compared with intertropical America. * As a proof of the sufficiency of the estimate of Mr. Menocal, a responsible and well-known contractor of New York City has offered to enter into heavy bonds to execute all of the subaqueous excavation, whether in rock or other material, at the cost given in the estimate. This will be conceded as the part of the work that would more likely than any other exceed the estimate. Supposing the cost of the canal double the estimate of the engineer, eliminated in part from decrease supposed on final location, and obviously above what a revised estimate will then show, we find in the statistics of Mr. Nimmo and elsewhere abundant proof that the canal will be a profitable investment.

His deductions that vessels will reject good weather and decreased distance in passing through the canal, and choose instead a Cape Horn passage, receives at once a negation, because the shipper

would naturally choose to offer rates inversely proportionate to the probable time of delivery of cargo, and thus spare deterioration, interest on money, decreased insurance, etc. The questions may be asked, Who in San Francisco would be willing to pay the same rates per ton to Liverpool *via* Cape Horn that they would be willing to pay *via* the canal; or who would be willing to insure the vessel for a Cape Horn voyage to Liverpool at the same rates as though she proceeded through the canal? The same questions apply to the whole West coast, to Japan and Shanghai, and have in fact a general application within the terms of the inquiry.

The supposition that because only four sail-vessels passed through the Suez Canal last year, and can not with advantage use it, they will in like manner avoid the Nicaragua Canal, will have no weight in the mind of persons informed on ocean routes. The winds favor both outward and homeward bound vessels around the Cape of Good Hope in latitude thirty-five degrees. By reason of calms at one season and heavy gales in narrow seas at another, encountered in passing through the Suez Canal, we need not be surprised that more than one half of the tonnage that would find the distance shorter through the canal prefers a voyage around the Cape of Good Hope.

Passing around Cape Horn in latitude fifty-six degrees is quite a different affair, especially if bound west. On the other hand, the voyage to the entrance of the Nicaragua Canal is not embarrassed by an approach through long, narrow, and dangerous seas, subject in the alternating seasons, to dangers and delays. Instead, there stretch out from Nicaragua, broad oceans through which the navigator, by making slight *détours*, can find favorable winds to every quarter of the globe.

Vessels will neither shun nor patronize the canal as a matter of sentiment. If we suppose two fleets leaving Liverpool bound to San Francisco for a return cargo of grain, the one *via* Cape Horn, the other through the Nicaragua Canal, we may be quite sure the chances would favor the return of the greater number of the vessels to Liverpool that had made the canal transit, by the time the major part of the vessels proceeding *via* Cape Horn had reached San Francisco. That is to say, the mean of a great number of passages would establish the fact that those proceeding *via* the canal would make the round voyage within the mean time that those proceeding *via* Cape Horn would reach San Francisco.

There are two prime factors dominating the canal question: the

cost of the canal, and the amount of tonnage that would seek it as an advantage or economy. Producers and shippers all over the world are directly interested in these questions. The advantage of a canal to the world's commerce must be measured in gross by the economy it effects. If it effects a safe investment and liberal return in interest, all other profit in the general economy will be diffused as a common benefit. It will, in many respects, be to us a national advantage for which the nation pays nothing.

During the early part of the present year a gentleman of well-known character and ability formed an association for the purpose of promoting the construction of a canal through Nicaragua. He and his associates were so favorably known to the Government of Nicaragua that a concession for the construction of the canal was at once granted them on the most liberal terms, and is subject to forfeiture only through failure to construct the canal. The existing treaty between our Government and that of Nicaragua assures the fullest protection to the material interests involved ; nothing more is wanting but an act of incorporation to give a legal existence to the association, after which a company of execution can be formed. When the names of the members of the association are made known to the public, they will be a sufficient guarantee, in the United States at least. There is no question that an act of incorporation may be obtained from any State in the Union which would give a legal existence to the company, and as well, whatever might be required from the General Government to guard the material interests concerned, interests wholly of our citizens or only so in part ; but for various reasons the act of incorporation, it is believed, should be granted by Congress. In speaking on this subject, one of our most eminent jurists said : " Under the Constitution it was the duty of Congress to promote and regulate commerce between the States ; that, were a ship-canal possible within our own territories, no one would have the hardihood to deny to Congress the right to grant an act of incorporation to a company to construct it. The mere fact that a canal to promote such commerce between the States was exterior to our territories in no wise lessened nor impaired the right or the obligation of Congress to promote such commerce, however much it might complicate the difficulty of fulfilling an obvious duty."

In granting an act of incorporation giving legal effect to an existing concession obtained by a provisional association to construct a canal, our Congress can modify and control, what the Gov-

ernment of Nicaragua can not, under an existing treaty between the Governments, namely : Agreeing upon a modified rate of interest on capital invested, by extending rather a moral than a real support, through the guarantee, for a term of years after the completion of the canal, of a low rate of interest, say three per cent. on its actual cost, which in amount would be far below the tolls to the canal, supposing a double transit of vessels requisite to convey the grain and other products of this year from the Northwest coast to Europe, without considering the revenue which would be derived from the transit of vessels on the great commercial routes which the canal would naturally serve. The concession of the association is for one hundred and ninety-eight years. It is an important point whether our coasting trade should be taxed beyond a liberal return on a secure investment. So far as our foreign commerce is concerned, we would suffer from an unreasonable interest on a canal investment in common with other nations, which could thus be provided against, as, whatever the tolls may be, they must be without discrimination as to nationality. Whatever moral support can be given the canal company would seem politic and just, to enable it successfully and speedily to accomplish its purpose. The canal, when completed, will do much to build up our coasting trade in large vessels, and especially of screw-steamers capable of making long voyages. In that trade, at least, they would not have foreign competition, and when freights were high they would be on hand to take cargoes. Thus, perhaps, we may establish ourselves once more on the ocean as carriers, which assuredly will not be done through any special legislation, whether in the interest of "free ships" or free material to build them, inasmuch as, after a discussion of many years, ideas are as diverse, as irreconcilable, and as firmly supported antagonistically as when the discussion began.

DANIEL AMMEN.

THE COMING REVISION OF THE BIBLE.

IF the coming revised English Bible shall be accepted by the public, it will be the ninth English version thus accepted. This fact alone should preserve weak minds from terror lest the alteration of our received version prove an impious handling of the ark of God. Tyndale's version (incomplete) was in circulation by 1531, the year he published his "Jonah." This version, as revised and completed by John Rogers, and known as the Matthew's Bible, appeared six years later. Meanwhile Coverdale's inferior translation had been issued. To these three succeeded the Great Bible (Cranmer's) in 1539, the Geneva Bible in 1557, the Bishops' Bible in 1568, the Roman Catholic translation from the Vulgate at Rheims and Douay in 1582-1609, and our present authorized version of 1611. Taverner's translation, as not a generally accepted work, we can only put in the list of many private translations made by scholars. Most of these latter translations have been confined to the New Testament, and excellent work has been done by such men as Alford, Noyes, and Darby—in these tentatives toward a new accepted version.

There is an element in any new version now which puts the matter in a somewhat different light from that in which it stood when King James's version was issued. Then there had been seven versions sent forth on the community within a century, but now the received version has had undisputed sway for two and a half centuries. Certainly this gives an anchor of antiquity to our present version, which none of those that King James's version supplanted could claim. We can not, therefore, wonder that a book, which, apart from its religious character, has become an English classic in its present form, should be so revered as to call forth defenders against any change whatever in its style or words. There

is a dignity even in its quaintness which commands respect. The fascination of antiquity rests on every page, and we instinctively draw back from altering anything, as from touching our brush to a work of Raphael.

But, after all, this instinct is not altogether a worthy one. It needs to be modified by sound reason. Were the English Bible chiefly a work of art, or a monument of the English olden time, the æsthetic feeling should rightly dominate and a jealous conservatism should watch against modern innovations, by the hand of whatever scholar they might be wrought. We do not deny the literary skill of King James's translators. Their work is artistic in the highest sense. They were men of broad and cultivated minds, and they gave the English people a model of literary beauty and sublimity in their translation (or revision), which compares most favorably with the versions of all other tongues. We may add that in this artistic character of their work they themselves borrowed the phrases and words of Tyndale, which had already become antiquated, and so gave the majesty of hoariness to the other virtues of their style. In looking at their work, therefore, we are beholding a phase of the English language really older than their own time.

But we must bear in mind that beauty and antiquity of style are not the paramount considerations in the question of Bible translation. The truth—the truth is what we desire. All other objects sink into insignificance in comparison with this. We seek a *perfect* translation of the Hebrew and Greek. The idea is of first importance, and the clothing of the idea is secondary. A perfect translation is indeed impossible. A grand sentence must lose something in passing into another language. If it keep its main thought, it must lose its grandeur, and, if it keep its grandeur, it must work some change in the thought. We must, therefore, give up the idea of reaching a perfect translation, although we make it our goal. Which, then, shall we throw out of our ear as we advance—the sense or the style? Undoubtedly the latter. The only fatal embarrassment in this is at those crises where the very style enters into the sense, and you can not tear them apart without destroying both. In such cases we must bow to the necessity and give a bad translation, leaving it to the scholar to explain the difficulty and the real meaning in whatever circumlocutory way he may.

Generally speaking, then, we must sacrifice style to sense, and, in doing this at the present time, we may subject ourselves to the charge of iconoclasm. If a rich, round sentence that we have loved

to mouth is trimmed to angularity in order to express the truth, the crowd of critics will be apt to overlook the constraining necessity and bestow on us a consentaneous groan. Let us give an illustration. In Acts xxvi, 24, the words of Festus to Paul are musical and terse: "Paul, thou art beside thyself; much learning doth make thee mad." It is a strong English sentence; each clause is well balanced. You may compare them to two equal shafts striking the center. As you read them, you are Festus, and you speak with conscious force. Now, shall we dare alter such a rare specimen of telling English? All the beautiful in us rises up in indignation at the thought. And yet we must humble ourselves and our pride of taste for the relentless cause of truth. What is the Greek here? What did Festus really say? Here it is: *μαίνῃ, Παῦλε· τὰ πολλὰ σε γράμματα εἰς μανίαν περιτρέπει.* The truth is, Festus did not say half as fine a thing as our English sentence. Moreover, he did not mean what our English sentence means. Festus first, in the impetuosity of his feelings, told Paul he was mad; then, correcting himself, with true Roman politeness, he modifies his expression and says that Paul's learning was gradually bringing him to a condition of madness. The English of what Festus said is, "Thou art mad, Paul; much learning is turning thee to madness." Our received version makes the two clauses of equal strength, the latter clause merely adding the cause of the madness. Moreover, the received version does not recognize the similarity and relation of *μαίνῃ* and *μανίαν*. If we translate as above, we lose a remarkably strong sentence, beautiful in its strength; but, if we leave the beauty and strength undisturbed, we do not have what Festus really said. Now, ye critics, take this instance as a sample, and tell us what we are to do. Are we to cling to principle faithfully, or shall we hold on to principle only until we see a pretty face? What will you have, that which the sacred writers say, or that which King James's translators say?

There is another point in this matter of translating the Bible which does not receive the attention it should. We greatly desire to preserve the antique style. But was the Gospel of Matthew or the Epistle of Paul to the Romans written in an antique style? Did the early Church read the New Testament as an antiquated book? Certainly not. The Old Testament, it is true, was in the ancient form of the Hebrew language to the early Christian Church; but remember how soon the Septuagint version in Hellenistic Greek became the ordinary version of the new Church, a version that would

show them scarcely any ancient forms except in the Hebrew words bodily introduced.

No, the early Church generally had the Bible, the whole Bible, in a modern dress, and yet we are so strenuous to have that Bible wear the robes of antiquity. I fear again that our æsthetic nature is interfering. If we say, "He maketh me to lie down in green pastures," it is well. The twenty-third Psalm is poetry, and the termination in *eth* is poetical. But, when we say, "It is the blood that maketh an atonement for the soul" (Lev. xvii, 11), we are not using poetry, but the baldest prose, and *eth* here is simply antiquated. Why not say, "It is the blood that *makes* an atonement for the soul"? When the early Church translated the Bible into Latin, it used the then modern Latin, first in the Itala and then in Jerome's version. Then when Latin became an ecclesiastical language, known only to scholars, of course it made no difference to the people of what age the Latin was. Look carefully at this subject and you will find that the best ages of the Church had the Bible in the then vernacular, modern and not antique. It is therefore an error, but an error deeply rooted, that the Bible should have an antique flavor. On the contrary, it is a book for all times. It belongs to the nineteenth century as thoroughly as to the first century. Hence, the more modern you can make its language, the more perfectly you translate it. Let no one suppose we mean commonplace or colloquial when we say modern. Our modern English has as much dignity as ancient English, and we need not go to antiquity to borrow the vestments of grandeur and sublimity for our thoughts. We believe that if the book for the people, the Bible of God, was given to the people in the people's own language, jots and tittles included, it would more readily touch the heart and renew the life than it can when its movements are fettered by the stiff uncouthness of a Tudor style. Instead of fearing a new revision, we should favor a new revision every century at least. Luther's Bible was a genuine vernacular Bible, and hence its extraordinary power. The best minds in Germany are now realizing that Luther's Bible three hundred years ago is not Luther's Bible to-day. They wish a Luther's Bible now. And they are therefore now making a new version suited to the age. Among the heathen it is always a new or modern Bible version which is the missionary's instrument of power. The translations are made into the languages of to-day. Again, we assert that the Bible in its application, meaning, and power, is not an ancient but a modern book. It is like its Author, the same yes-

terday, to-day, and for ever ; not same as a human work, which is never the same, but always grows old and decays with age, but same as a divine work, as the yearly spring, for example—as fresh and full and perfect now as when it first rejoiced man's heart. Let us not, then, make an antique of the Bible, and so remove it from our daily lives. Let us thoroughly modernize it, or rather let us preserve it in its everlasting modernity (if we may use the word), and no more put it in an old curiosity-shop than we should put there the sun and the moon and the stars. Let us bring down the Bible from the æsthetic cloud-land, and make it our companion in the daily walks of life.

It is my own personal regret that the principles of the present revision companies forbid this modernizing of the English Bible. Those principles prescribe only such alterations as are necessary, and the limitation of such alterations in expression to the language of the authorized and earlier English versions. No one need fear, therefore, from anything I have said, that the antiquated form of the English Bible is to be changed by the present revisers. Whatever changes they may make, they must adhere to the antiquated style in their expression. That this is an error I have no doubt, as my reasoning above would indicate.

In spite of this conservatism on the part of the present revisers, prejudice will muster a large army of opponents to the new revision. We love an old falsehood more than a new truth. We have sat under it so long. It has been a vine and fig-tree to us. We will not have it rooted up, even though it be to put a banyan in its place. I told a Sunday-school speaker that "conversation" in the New Testament did not mean "conversation" in our modern sense, but "style or mode of life." "I don't care," was the reply, "I like it so, and I'll use it so," and off he went to "use it so" to the children. There will be a legion of such adherents of the King James's version, when the new revision is issued. We shall hear, "I like it so, and I'll use it so," on every side. Of course these will not be scholarly men, but they will be influential men, and will retard the progress of the new revision to universal favor. Another class, among whom will be scholarly men, will oppose the revision from narrow, denominational reasons. "The work has been done by men of all sects," they will say. "It has not the purity and sanctity that it should have, and that it would have if it had been done wholly by our own apostolic Church. The hands of heretics have polluted it." Against such men reason is powerless. We may hope

that their number is not great, and that it will become beautifully less with the propagation of Christianity.

With regard to the correctness and faithfulness of the work which has been done, and which will ere many months (so far as the New Testament is concerned) be submitted to the public, no sensible man can have a doubt, who reads the names of the English revisers. We shall be modest, and not refer to the American workers in this argument. Can not the profound diplomatic learning of Scrivener, the exegetical acumen of Ellicott, the critical judgment of Lightfoot and Westcott, and the devout spirit of Trench and Moulton, be trusted by the Christian world? Are not these names, with those of Angus, Eadie, Hort, Lee, Vaughan, Tregelles, etc., quite sufficient to guarantee the thoroughness of the work that has been done? If these men could not make a just translation, who could? Whatever their differences in formulating their Christian belief, they can all agree in a translation of the Bible. Are not their differences, then, an additional guarantee of the excellence of the version in which they all agree? From this point of view alone I see not how any good reasoner could hesitate in advance to assert the worth of the coming version, and to bespeak its universal acceptance.

The work of the revisers has been a double one, to ascertain (I speak of the New Testament now) the genuine Greek text, and then to correct or modify the English translation. It is well known that Erasmus's Greek text was the result of the examination of only five Greek manuscripts of a late date, and a use of the Vulgate. The Elzevir second edition (1633), which has been the "*Textus Receptus*" ever since, was founded on Erasmus's text and the Complutensian through the labors of the two Stephens and Beza, and I suppose it is safe to say that not over twenty manuscripts were consulted in all that went to make up this "*Textus Receptus*." It is also safe to say that none of these MSS. were of ancient date except Codex Bezae (D), noted for its deviations from other authorities. Now we have over a thousand MSS. known and accessible to scholars; above all, those venerable uncials, the Sinaitic (S), the Alexandrian (A), the Vatican (B), and the Ephraem (C). The field for induction is thus vastly broader than it was when our present Greek text was settled, and makes a correct text presumably if not certainly possible. The careful examination of these MSS. and the weighing of their authority have occupied the life-labors of such men as Tischendorf, Lachmann, and Tregelles, making the work of

the revisers a comparatively easy one to select the true reading in any given case. In this work, Westcott, Hort, and Abbott have been conspicuous, who with Scrivener have developed a cultured instinct regarding manuscript authority which is as safe to trust as it is marvelous in its character.

When the text is decided, the work of the Greek scholar begins. He is not simply to know Greek, but to know Hebrew, that he may detect Hebraic idioms in the New Testament. He must thoroughly understand the difference between classic and Hellenistic Greek, for a Greek purist would find many stumbling-blocks in both Gospels and Epistles, and, above all, in the Apocalypse. He is to compare the Septuagint with the many Old Testament quotations and allusions in the New Testament, and its usage of words generally with the like words used by the evangelists and apostles. There must be also diligent labor to make words and phrases in different parts of the work correspond in English as they do in Greek, the argument and meaning being thus made more evident.

Then comes the office of the English scholar to see that sentences are smooth and clear, and that a perfect English model is given in what is preëminently the people's book. Such, then, is the double work of the present revisers. They have prepared a Greek text, and they have translated it, observing, however, in the translation those principles to which I have already alluded, and so preserving as far as possible the language of the authorized and earlier English writers.

The work has been in progress ten years, but the American co-operation began in October, 1872. For eight years the English and American committees have wrought harmoniously together, exchanging copies of their results for consideration and reconsideration. The English committee numbered at the first fifty-two, and the American committee twenty-seven, making seventy-nine in all, but death has removed several members from each committee. Our own has lost Dr. Tayler Lewis, Dr. Hackett, Dr. Hodge, and Professor Hadley. The New Testament company in England numbered twenty-seven and in America sixteen. The labors of this company are nearly concluded. It is probable that their completed work will be in possession of the public before this year expires. The Old Testament company will continue their labors for at least two years longer.

The American portion of the New Testament company has met monthly at No. 42, Bible House, New York, where the books and

apparatus necessary for the undertaking had been provided. The meetings began, each on Friday morning at half-past nine o'clock, and ended on Saturday at 1 P. M. There were two or three sessions on Friday, and one on Saturday. In June and August no meeting was held, but in July there was a long meeting of four days at Andover, New Haven, New York, or Princeton. Some of the members came from a distance of about four hundred miles, and many had to make a journey of one and two hundred miles to attend the meetings, and yet these distant members were almost always in their seats at the appointed times.

Speaking as a member of the New Testament company, I may characterize each meeting as a spiritual and intellectual symposium. A more genial brotherhood never met. Episcopalian, Unitarian; Methodist, Baptist, Friend, Congregationalist, and Presbyterian, knew no differences, and held one another in respect and affection. Not a sectarian note was ever heard. Not a harsh word was ever uttered. The revered President Woolsey guided our deliberations with wisdom and urbanity. He read the verse, and then called for comment and suggestion. Every one was patiently heard, and then the decision was recorded by our Secretary, Professor Short or Professor Thayer. Sometimes a long discussion would enliven us, and hosts of references were made to support either side, and (if I may let out the secret) there were times when the solemnity that became the dignity of our work was tempered by a humorous hit or an irresistible pleasantry. At such moments, perhaps, any one who might suddenly have entered our "Jerusalem chamber" would have scarcely divined our work.

The portion on which we were to confer was always appointed at the previous meeting, so that there might be a month's preliminary study before the comparison of notes and the record of the result. In this way a vast amount of critical examination was given to every sentence in the New Testament, and we may be sure that not even a word of any importance escaped a searching investigation.

The influence of such a cultured and genial mind as that of President Woolsey was felt throughout the circle from the beginning. His erudition, his judgment, and his clear statement, on one side, and his courtesy, gentleness, and modesty on the other, fitted him peculiarly for his position, and formed the crowning charm of our coterie. Next to President Woolsey sat the encyclopedic Schaff, of indefatigable energy, church historian, commentator,

promoter of Christian union, and the efficient author of the American coöperation in this revision. To his systematic and ready mind, bold and strong to assume responsibility, the American committee was indebted for its existence and for its financial support. On him especially fell all the foreign correspondence, and the arrangement of details between the English and American committees. Next to Dr. Schaff sat Professor Short, whose "Essay on the Order of Words in Attic Greek Prose" is a monument of his patient research, and who acted both as Treasurer and Recording Secretary for the company. Then came Professor Riddle, who mingles German learning with Anglo-American clearness, on whose record of similar passages we all leaned. Then followed in order President Chase, of Haverford, thoughtful and solid, a man of wise caution, not apt to be led astray by any delusion. Next was Dr. Burr, who represented Drew Seminary in the New Testament company, as Dr. Strong did in the Old Testament company. Next to him sat the polished master of English, the eloquent preacher, Dr. Washburn, whose taste was always pure enough to guide his judgment. At his side was Dr. Crosby, and next one of Yale's noted instructors, a man of decided convictions, based on very solid foundation, who never spoke without commanding the attention of all—Professor Timothy Dwight, whose arguments were shot out of an armory of learning and common sense. Next to him sat Professor Kendrick, whose name as a Greek scholar has been so long held in esteem, who brought to the work a mind richly stored with varied knowledge, and whose keen criticisms and earnest comments were the delight of the circle. Then came Professor Abbot, of Cambridge, *facile princeps* among us in the criticism of the Greek text, the peer of Scrivener and Westcott, whose sound, discriminating judgment was only equaled by a charm of disposition and manner that won all our hearts. By his side sat Professor Thayer, of Andover, a most laborious member of the company, who took down the notes of changes proposed, and prepared all the papers for the company's use, and who was second to none in thorough fitness for the work in hand. His admirable scholarship is accompanied by practical elements of character which make him a man of mark. Last in the circle, and by the side of the President, sat the venerable and beloved Bishop Lee, of Delaware, whose presence and voice were a benison to us all.

Such was the *personnel* of the American New Testament company, who for eight years met in devout and studious zeal to pre-

pare (in conjunction with their British brethren) a new version of the New Testament for the English-speaking peoples. It was no mean privilege to sit in that circle and enjoy the edifying conversations and discussions of these years. Those who sat there will certainly count those days of conference among the happiest of their lives. May we not hope that the work now to be given to the public (for which these revisers have labored so long without the slightest pecuniary remuneration, but with the hope of meeting the wants of the age) will be appreciated on both sides of the Atlantic, and, after a brief flutter of prejudice, will take the place of our present version in pulpit and pew, in school and in home, as presenting in clearer and truer form the meaning of the evangelists and apostles, as they uttered the Word of God ?

HOWARD CROSBY.

RECENT EUROPEAN PUBLICATIONS.

1. Manzoni's Correspondence with Fauriel. (*Il Manzoni ed il Fauriel studiati nel loro carteggio inedito da Angelo de Gubernatis.* Rome. 1880.)

2. An Essay on the Life and Genius of Calderon. By the Archbishop of Dublin. Second edition, revised and improved. London: Macmillan & Co. 1880.

3. Miracle Plays and Sacred Dramas. A Historical Survey by Dr. Karl Hase. Translated from the German by A. W. Jackson, and edited by the Rev. W. W. Jackson. London, Trübner; and Boston, Houghton, Mifflin & Co. 1880.

4. The Purgatory of Dante Alighieri. Edited with Translations and Notes by Arthur John Butler. London: Macmillan & Co. 1880.

IN a sympathetic article on Manzoni published in this REVIEW forty years ago, the writer regretted that he could not present to his readers a detailed biographical sketch of "the brightest ornament of historical romance in Italy." Such a sketch has become possible only since Manzoni's death in 1873, and anything like a complete biography is still wanting, so that, of all great names in literature, Manzoni's remains but little more than a name. Some important contributions, however, to Manzoni's biography have recently seen the light, the latest of which it is proposed to examine here briefly.

In 1805, when Manzoni was twenty, he accompanied his mother, the daughter of the distinguished juriconsult Cesare Beccaria, to Paris, and there made the acquaintance of Claude Fauriel, now chiefly remembered for his history of southern Gaul under the German conquerors, and for his works on Provençal and Early-Italian literature. This acquaintance soon ripened into friendship and led to a correspondence, which, extending from 1807 to 1828, covered the most important of the two periods into which Manzoni's life may be divided. The first closes with the publication of the *Promessi Sposi* in 1827, and contains all the creations of Manzoni's imagination; the second, ending with his death, in

1873, may be termed the period of critical study. The former is the more interesting, not only from a literary standpoint, but also from a biographical one, as during this time occurred Manzoni's first visit to Paris, his marriage, and conversion.* After Fauriel's death in 1844 his papers passed into the possession of his devoted friend Madame Mohl, the wife of the distinguished Orientalist. It was her intention to publish a biography of Fauriel, and to that end she visited Manzoni in 1847 and requested his coöperation. This Manzoni, with his morbid shrinking from publicity, declined, as he would have been obliged necessarily to speak much of himself in speaking of his friend, and he was equally unwilling to accede to the publication of his own letters. Madame Mohl retained them then, permitting only Sainte-Beuve to use them for his sketch of Fauriel, which was for a long time the only source of information concerning Manzoni's stay at Paris—an event of great importance for his future.† After this, the letters remained in obscurity until the possessor permitted Professor De Gubernatis to publish them in the work before us, and deposited the originals in the Ambrosian Library at Milan.

The letters, written in French, are fifty-four in number, and, as we have already said, are scattered over twenty-one years, during which Manzoni paid two visits to Paris, where he saw his friend constantly, and had the joy of welcoming him afterward to his home at Milan. Deeply as the friends loved each other, they were at best slothful correspondents, frequently allowing several years to pass in silence, and the correspondence closed for ever after Fauriel's incredible neglect to write to Manzoni on the occasion of his wife's death. The editor has filled the frequent *lacunæ* with extracts from letters directed to Fauriel by others of Manzoni's family, and thus has presented a tolerably complete picture of his domestic and literary life. It is, however, for the pleasant glimpses they afford of the former that these letters are especially valuable. From one of the earlier ones we learn that Manzoni had cherished a deep and pure passion for a young girl whom he afterward met as a married woman at Genoa, and also that there had been some talk of a match at Paris. These affairs were soon for-

* This period, from this twofold point of view, is the subject of Professor De Gubernatis's Taylorian lectures, delivered at Oxford in 1878, and published under the title *Alessandro Manzoni, Studio biografico*. Florence. 1879.

† This sketch was first published in the *Revue des Deux Mondes*, May 15 and June 1, 1846, and afterward reprinted in *Portraits Contemporains*.

gotten in his love for Henriette Blondel, whom he married in 1808. She was a Protestant, and the marriage gave rise to much gossip at Milan. Manzoni says, "Would you believe that my fellow-citizens busy themselves very willingly about my marriage, and make it the subject of much talk? Ah, divine Paris! I do not know whether in visiting us (at Paris) you noticed a cobbler, a very ordinary man, who had set up his portable shop near our door. He was called *Henri Quatre*; well, I might have married at Paris, and my very honored neighbor would never have heard of it, and here many people who have never seen me busy themselves with my affairs as if they were my relatives. I confess that this annoys me, and, added to something else, makes me greatly regret Paris." The same year found the newly-wedded couple in Paris, and there Madame Manzoni became a Roman Catholic. Manzoni's biographers tell us that, affected by his wife's conversion, he happened one day to enter the church of St. Roch, and, like St. Augustine, exclaiming, "O God, if thou exist, reveal thyself to me!" departed a believer and a Catholic. In a letter written soon after their return to Milan in 1810, he says: "As for me, I shall always follow the pleasant habit of talking to you of what interests me, at the risk of tiring you. I shall tell you then, first of all, that I have employed myself with the most important object in following the religious ideas that God sent me at Paris, and, in proportion as I advance, my heart has been always more contented and my mind more satisfied. You will indeed permit me, dear Fauriel, to hope that you, too, will occupy yourself with this. It is true that I fear for you those terrible words, *Abscondisti hæc a sapientibus et prudentibus, et revelasti ea parvulis*; but no, I do not fear them, for the goodness and humility of your heart are not inferior to your intellect or your learning. Pardon the sermon which the *parvulus* takes the liberty of preaching to you." Fauriel's answer to this letter is lost, but he remained a stoic, and Manzoni does not again mention the subject.

The years which passed were, with the exception of Manzoni's health, happy, uneventful ones. His life was spent in the winter at Milan, in the summer at his villa in Brusuglio, where he busied himself with agriculture, sending to Fauriel for books upon the subject, and for seeds and plants. His family increased rapidly, the first-born being named from Fauriel, Juliet Claudine, and the letters are full of domestic details which show how close the friendship must have been. Manzoni's health was far from good, and his nervous

attacks are an important element in his life. He could work but a short time and at long intervals only, and experienced, as he says in one of his later letters, "an inexpressible desire, not only to enjoy, but to behold tranquillity." Some interesting letters are devoted to the two plays, *Il Conte di Carmagnola* and *Adelchi*, which Fauriel translated into French. In these letters the frequent reference to the censorship, and requests to send books and letters through a third person, explain clearly enough why all political allusions are banished from the correspondence.

In a letter written in 1822 we find the first mention of his great novel, *I Promessi Sposi*, on which he had already been at work for several years. In this letter occurs a notable passage, which we leave untranslated, as a specimen of Manzoni's French style. He is still speaking of his novel: "Quant à la marche des événements, et à l'intrigue, je crois que la meilleur moyen de ne pas faire comme les autres, est de s'attacher à considérer dans la réalité la manière d'agir des hommes, et de la considérer surtout dans ce qu'elle a d'opposé à l'esprit romanesque. Dans tous les romans que j'ai lus, il me semble de voir un travail pour établir des rapports intéressants et inattendus entre les différens personnages, pour les ramener sur le scène de compagnie, pour trouver des événements qui influent à la fois et en différentes manières sur la destinée de tous, enfin une unité artificielle que l'on ne trouve pas dans la vie réelle." The readers of the *Promessi Sposi* will remember in what a remarkably natural way the unity of that work is produced.

In leaving the correspondence which our space permits us to notice very inadequately, we can only say that it shows Manzoni to be one of those rare characters which grow on acquaintance. He had early laid down for himself (in his poem "On the Death of Carlo Imbonati") a scheme of life remarkable indeed for a youth of twenty-one, and his Christian faith enabled him to persevere to the end, in spite of the bitter trials which he was called upon to undergo. The lines referred to are:

". . . di poco

Esser contento: dalla meta mai
Non torcer gli occhi: conservar la mano
Pura e la mente: delle umane cose
Tanto sperimentar, quanto ti basti
Per non curarle: non ti far mai servo:
Non far tregua coi vili: il santo Vero
Mai non trader: nè proferir mai verbo,
Che plauda al vizio, o la virtù derida."

Calderon's reputation is a curious example of one that has descended from generation to generation by the mere force of momentum, so to speak ; and just as the impulse was growing weak the Romantic School arose to glorify a poet whose undoubted talents had defended and exalted the dogmas of the Romish Church. As Archbishop Trench says, "There are few poets who have been so differently judged, who have been set so high, and set so low, as Calderon." The Schlegels put him by the side of Shakespeare, while Sismondi denounced him as the poet of the Inquisition. The extravagant laudations of the German critics have, however, made Calderon better known in Germany than elsewhere, and his noble play, "Life's a Dream," still holds the stage there. In England and America the interest in the Spanish dramatist is chiefly due to the first edition of Archbishop (then Dean) Trench's essay published twenty-four years ago, and which was deemed of sufficient interest to reprint in this country. This edition has long been out of print, both in England and here, and we welcome with pleasure this little volume, which contains a sympathetic appreciation of Calderon, free from exaggeration and disparagement. This edition has been brought up to the present time by references to late works and articles in the various periodicals, the number of which shows, we think, a greater interest in Calderon than the Archbishop admits. The translations from "Life's a Dream" and the *auto*, "The Great Theatre of the World," are perhaps the most successful that have appeared in English. With this essay and the volume on Calderon by Miss Hasell, in the "Series of Foreign Classics for English Readers," in his hands, the reader who is unacquainted with Spanish will still be able to judge which opinion is the more correct—that which makes Calderon the equal of Shakespeare, or that which degrades him into a clever playwright. Whatever opinion may be held as to his secular plays, but one, we fancy, can be formed of his sacred plays, the *autos sacramentales*, on which he lavished all the wealth of his poetic vein, and which alone of all his works he deemed worthy of his care in publication. These one-act plays were intended for performance on Corpus Christi day, their object being to exalt the dogma of transubstantiation.

These plays, whose rare poetic beauty and wonderful ingenuity can not be denied, are the complete and final development of the mediæval mysteries (or rather the moralities) which form the subject of Dr. Hase's work, in which a chapter is devoted to the "Revival of the Sacred Drama in Spain." The interest felt of late years

in the origin of the modern drama has been increased by the Oberammergau Passion Play, which, although modern in its present form, is thoroughly mediæval in its spirit and sources. Except the Basque and Italian peasant plays, which are comparatively rude and unimportant, the Oberammergau play is now the sole connecting link between the modern drama, which has become purely secular, and its ecclesiastical origin. Few of its spectators realize the interesting position it occupies as a case of mediæval survival. It was to afford the general reader a concise and entertaining account of the origin and development of the sacred drama that the present translation of Dr. Hase's lectures (*Das geistliche Schauspiel*, Leipzig, 1858) was made. The original work took no notice of the English mysteries and moralities, and the editor of the present translation has supplied this want in the notes, and has given some account of the recent performances of the Oberammergau play. The chief faults of the book may be inferred from the date of the original. In the last twenty years considerable light has been thrown on the liturgical drama, and many important works have appeared, with which the editor is not acquainted. The title is also misleading, as the miracle plays, or mysteries, occupy but one chapter, and that, in many respects, the least satisfactory in the book. With these restrictions we can cordially recommend the work as instructive and interesting. After an account of the birth of the mediæval drama from the ceremonies of the Church, the author traces its development until it loses its religious character in the modern secular theatre. The vitality of the religious drama has been very great; the Spanish *autos* were represented until suppressed by the state in 1765, while the rude plays of the Italian and Basque peasants and the Oberammergau play still flourish; and even when the sacred play lost its independent character it left its traces on the secular drama.

The transition from the mysteries of the middle ages to Dante's "Divine Comedy" is less abrupt than it may seem. Both had in view the same moral end, and enforced their teachings by a direct appeal to the horrors of hell and the joys of paradise. It is to be feared that the average Dante reader does not push his way beyond the first division of the great poem. This is to be regretted, not merely on æsthetic grounds, but because, from an ethical standpoint, the "Purgatory" is the complement of the "Inferno," and, moreover, is absolutely necessary for a correct understanding of the poet's life and greatest work. Beatrice's reproof of Dante

(Purg. xxx-xxxii) is of more value for the personal element of the poem than volumes of comments. The reasons which put the "Paradise" beyond most readers are clear enough, but it is not easy to see why the "Purgatory" is so generally neglected. Some of Dante's most touching and beautiful poetry is found in it, and, although such episodes as those of Francesca and Ugolino are wanting, we have the tender meeting of Dante and Casella, the tragedy of Pia de' Tolomei condensed into four lines, and many other equally impressive passages. Any help, then, to the study and popularization of the "Purgatory" is welcome, and none could be better fitted for this purpose than Mr. Butler's work, which is a book for both the scholar and general reader. Mr. Butler follows the plan adopted by Dr. Carlyle in his admirable edition of the "Inferno," and gives a carefully edited text, a literal prose translation, and scholarly notes. In addition to this there are two appendices, one on the dreams of cantos ix, xiv, and xxvii, the other on the allegory of cantos xxix-xxxiii, and a glossary of words "interesting either from their obscure derivation, or from some peculiarity in their use, or else as being specially illustrative of some principle of Romance etymology." The translation is generally good, but at times is obscure from its literalness, and a glance at the text is needed to make it intelligible. Besides the best editions of the text, the editor has consulted a MS. belonging to the University of Cambridge, and his changes are usually judicious. An index of proper names should be added in another edition. We trust that Mr. Butler will receive sufficient encouragement to continue his work, and prepare a similar volume on the "Paradise."

T. F. CRANE.

THE POLITICAL SITUATION FROM A FINANCIAL STAND-POINT.

To the People of New York :

Twenty years ago, when the debt of the United States was only \$1.91 per capita, the Government borrowed with some difficulty \$1,500,000 at 12 per cent. interest. Last year, though the debt of the United States was \$40.42 per capita, in a single day \$194,000,000 was offered to the Government at 4 per cent., when it needed and accepted only \$121,000,000. Under the latest Democratic Administration the public debt was more than doubled during four years of peace, and United States 6 per cents sold at 96 in December, 1860. Within the last four years the public debt has been reduced \$183,845,162, or nearly six times the entire debt in 1856, and United States 4 per cent. bonds have sold at 110½. Yet, notwithstanding this marvelous change for the better, some partisans insist that "a change" is necessary, and that another Democratic Administration should now be intrusted with power.

A transfer of power from the party which has so completely restored the public credit to the party by which it was left so completely wrecked would naturally cause serious alarm. The public credit has become so linked with all financial, commercial, and industrial interests that it can not be impaired or seriously threatened without the gravest consequences. The time has long passed—if, indeed, it ever existed—when only a few wealthy men would have suffered from a blow at the public credit. The "bloated bondholder" has become the average American voter. A great number of persons are now affected directly, and a much greater number indirectly, but personally, by every rise or fall in the value of Government securities, while any considerable change would affect every

branch of industry and trade, and nearly every lender or borrower, laborer or employer, in the whole land.

Checks have just been sent to 58,000 persons for quarterly interest on registered 4 per cents alone. The coupon bonds are still more widely distributed, so that at least 200,000 persons are probably affected directly as holders of bonds. But the national banks hold in Government bonds over \$400,000,000, or nearly nine tenths of the capital represented by their shares, which are owned by 208,000 stockholders, and, of these, 105,000 own not more than ten shares each, and 182,000, or nearly nine tenths, own not more than fifty shares each. The State banks have about \$7,739,000 invested in the same way, and these probably represent at least 50,000 stockholders. The loan and trust companies, representing a large but unknown number of owners, have about \$18,000,000 invested in United States bonds, or 85 per cent. of their entire capital. The life-insurance companies have about \$42,000,000 invested in Government bonds, and they represent the savings of nearly 600,000 policy-holders. The fire and marine and casualty insurance companies represent a still larger but unknown number of policy-holders, and those doing business in New York alone have over \$68,000,000 invested in United States bonds, out of about \$165,000,000 of assets in this country. The savings banks represent 2,268,707 depositors, and hold \$156,415,159 in United States bonds. In all, not less than 4,000,000 persons are thus interested, either personally or through corporations, as owners of bonds, and would be directly affected by a decline in the public credit.

The disastrous effects of a serious decline would be far more extensive. By the corporations mentioned about \$2,000,000,000 are now loaned for the support of various branches of trade and industry, viz., by national banks, \$1,000,000,000; by State banks, \$200,000,000; by savings banks, \$420,000,000; by loan and trust companies, \$65,000,000; by life-insurance companies, \$200,000,000; and by fire and marine insurance companies doing business in New York, \$30,000,000. Shrinkage of public credit would involve a shrinkage of the assets of these corporations, and a corresponding, and possibly sudden and sweeping, contraction of their loans. To merchants in their stores, to manufacturers in their factories, to workmen in their shops and mills and mines, the consequences would be not less disastrous than to the reluctant capitalists or lenders. Never yet has this country seen a financial revulsion as terrible

and as far-reaching in its consequences as would now result from a collapse of that splendid public credit which wise legislation and faithful administration have for twelve years been building up and fortifying.

There is reasonable reluctance to believe that any party would deliberately bring such a calamity upon the country. If the consequences were not overlooked or misunderstood, no party would. The danger is not that this thing will be deliberately done. When a captain wrecks his ship by want of knowledge, defective charts, inattention, or bad judgment, he may have had no intention to peril his own life and the lives of all on board. But the Democratic party has been exposing the public credit to peril year after year, ever since the war, until conservative men, who do not question its honesty of purpose, have become profoundly apprehensive that its success would cause great financial, commercial, and industrial disasters. At times its charts have been bad ; it has insisted upon most pernicious theories. At times its chosen leaders have erred through incompetence or lack of practical knowledge. At times many of its representatives have seemed ready to expose the public credit and the business of the country to the gravest dangers for the sake of temporary success in some election. Since 1860 the course of that party has never tended to inspire confidence in its capacity or fitness for financial management, as its friends have perceived with keen regret.

Who can tell what the Democratic party, if in power, would do with regard to payment of the public debt or the interest thereon? Not a few members of that party insist that the principal or interest, or both, shall be paid only in paper. Bills to that end are now pending, and have been pushed at every session of Congress for years. By many, perhaps, such bills may be proposed in ignorance of the fact that an increased issue of legal-tender notes would cause a decline in their value. But the legal tender was worth less than 70 cents on the dollar in 1868, when nearly every prominent Democrat was carried away with the idea that a proposal to pay the fifty-two bonds in paper, and to tax all bonds, would render the party irresistible in the approaching election. These proposals the party then embodied in its national platform. General Hancock, who narrowly missed the Presidential nomination on that declaration of principles and purposes, gave it his unqualified approval. It was zealously supported by every one of the prominent leaders who are

now asking public support for that party on the ground that it promises this year "a strict maintenance of the public faith." But can it be supposed that the party intended to violate the public faith in 1868? It must be presumed that the Democratic party and General Hancock thought that the payment of bonds in greenbacks would be both honest and wise. Nothing has been done or said by the Democratic party or by General Hancock himself to show that the course deemed honest and wise in 1868 is now deemed unwise or dishonest. Not a thing has been done or said to show that the Democratic party or General Hancock would not consider such payment in 1881 "a strict maintenance of the public faith."

The danger is near and real. Within one year, bonds amounting to \$697,350,600 become payable or redeemable. Every effort to meet them by refunding has been defeated by the Democratic majority in Congress, in spite of earnest appeals by the Secretary of the Treasury. Bills for the payment of all the bonds which mature or become redeemable next year by a new issue of greenbacks, are now pending in Congress, and are zealously supported by many Democrats. In Indiana, Ohio, and other Western States, the Democratic party is striving to convince voters that it is more heartily devoted to this plan of payment than the Greenback party itself. If it should succeed at all in the coming election, it can succeed only by the votes of men who are led to expect the passage of such a measure as the price of their support. Nor has General Hancock uttered a word, since his approval of the platform of 1868, to indicate that he would hesitate now to carry out the financial measures to which he then committed himself. On the contrary, within the past month the Democratic party has been rejoicing at its supposed success in electing a Greenback candidate in Maine, whose national platform declares, as he does, that "the bonds of the United States should not be refunded, but paid as rapidly as possible," by means of an increased issue of legal-tender notes. And this candidate, standing upon this platform, General Hancock had recently congratulated upon his supposed election as a "glorious result."

Perhaps General Hancock does not understand that an issue of \$700,000,000 more legal tenders, to retire the bonds which become redeemable next year, would be a double violation of repeated pledges of the United States. The Government has pledged itself

not to issue more legal tenders, and to pay its bonds in gold. Perhaps he does not understand that such a new issue, for such a purpose, would cause the United States notes to fall greatly in value, so that public creditors would be forced to receive for their bonds far less than the value promised. But, if he does not, what safety can there be in trusting the executive power to him? It seems hard to believe that a great party can consider such a measure either honest or wise. But the same men who believed that such a step would be neither dishonest nor fatal in 1868 may, as easily, and with as much sincerity, believe that it would not be dishonest nor fatal now. When the Democratic party, in spite of all Republican efforts, defeated every plan of refunding last winter, in what other way did it intend to deal with the bonds that become redeemable next year? In Congress, as in Maine, Democrats who knew that payment of bonds with greenbacks would be ruinous and dishonorable, for the sake of party success, joined with Democrats and Greenback men who propose that course. Who can say that the same men would not sacrifice conviction to partisan expediency after the election? Who can say that this alliance would not destroy the public credit, stop specie payments, and plunge the country into incalculable disasters by a new issue of \$700,000,000 in legal-tender notes?

Who can tell whether bills now pending, which provide for taxation of United States bonds, would be passed if the Democratic party should gain the power? True, that party pledges a "strict maintenance of the public faith," but did it mean to violate the public faith in 1868? Its national platform then proposed "equal taxation of every species of property according to its real value, including Government bonds." If the Democratic party did not then think this an act of bad faith—and we must assume that it did not—there is no greater reason to think it an act of bad faith now. General Hancock gave his unreserved approval to the declarations of 1868. One year later, in Ohio, his party proposed in its platform "to pay no interest on United States bonds until they are taxed," and declared that "if the claim for payment in gold should be persisted in, it would force upon the people the question of repudiation." Similar purposes were avowed by that party in 1870, in Ohio and Indiana, and they have never been retracted. If General Hancock now thinks that taxation of bonds would not be a "strict maintenance of public faith," he has

changed his mind since 1868, and of that change he has given no evidence.

Who can tell how soon, if the Democratic party should succeed, the Resumption Act would be repealed and the paper currency inflated? Solemn pledges of public faith stand in the way. But the Democratic party has at no time regarded these as binding pledges, and it is not more likely to so regard them now than it was one year ago. In February, 1879, when specie payments had continued nearly two months, one hundred and six Democrats in the House voted for a repeal of the Resumption Act, and only twenty-seven against it. The spirit of the party was even more decided then than it was in November, 1877, eleven months before resumption, when one hundred and four Democrats voted for the repeal of the act and twenty-eight against it. In the fall elections of 1878 the Democratic party throughout the West and South and in Pennsylvania denounced resumption as a great wrong and an utter impossibility, less than three months before specie payments began. In 1879, wherever elections were held in those States, that party insisted that resumption must fail and would work terrible injustice. Only one year ago it supported for Governor, with the largest vote ever given to any Democratic candidate at a State election in Ohio, the most zealous and extreme advocate of inflation in that State. It is now supporting for Governor the most extreme inflationist in its ranks in Indiana. These and other leaders of like character have made no pretense of a change of purpose. Nor is it possible that a great party, composed of millions of voters, has suddenly changed honest beliefs and fixed principles, to which it has adhered through years of controversy. It is true that the Democratic party promises "honest money," but that party will hardly say that it desired dishonest money during all the years in which it opposed resumption and demanded inflation. It must be inferred that the phrase "honest money" does not mean to Democrats what it means to Republicans. Nearly four fifths of the Democratic party, according to its representation in Congress, earnestly oppose resumption, even since specie payments began, because it has been trained to believe that resumption is mischievous, and honestly desires inflation, because it has been taught that "more money" is needed "to emancipate the people from the tyranny of money kings." These notions have not been eradicated by a sudden change in the tactics of a few party managers. Who can feel

assured that they will not shape legislation as soon as the Democratic party has control?

Who can tell how soon the best banking system this country has yet seen would be destroyed if the Democratic party should succeed? There is scarcely any other purpose in which that party has been so nearly united as in the purpose to get rid of the national banks. The very name "national" is offensive to those who cling to State-rights traditions. The supposed influence of the national banks is thought to be used with great effect against the Democratic party. The ancient antagonism of the party to a national bank and the chronic antipathy of the rural population to the money-lenders have been continually inflamed by artful appeals. The South has given to the system so little favor that less than nine per cent. of the national banks and little more than five per cent. of their deposits are to be found in that section. In nearly every Western State, and even in Maine and Vermont, the Democratic party has formally demanded abolition of the national banking system. As early as January, 1870, a resolution instructing a committee to report a bill to withdraw all national-bank circulation, and to issue greenbacks in its stead, received fifty-three Democratic votes in the House, with only one Democratic vote against it. From that day to this there has been no evidence that the purpose of the party in this respect has changed, and bills to carry that purpose into effect are now pending, with very strong support. If the Democratic party should ever secure the Executive, a most strenuous effort to break up the national banking system would undoubtedly be made. Local influences would powerfully aid the movement. Democratic politicians in Southern and Western States are eager to get into their own hands the power to create, as of old, a host of banking and note-issuing corporations.

The commercial world knows full well what countless evils were caused by the old system of irresponsible and heterogeneous State banks. It is well aware that the safety, uniformity, and peculiar local elasticity of our present banking system have contributed most powerfully to the commerce and the development of resources. Conservative men would therefore regard an overturning of the system with great apprehension, even if the transition to any other could be effected without immediate shock or disturbance, or harm to the public credit. But it is not possible to effect the change without a shock. Bonds amounting to \$400,000,000, now held by

the banks, could not be paid and retired without inflation, dishonor, and disaster. They could not be thrown upon the market without great prostration of the public credit. Yet the banks, if deprived of the advantages of circulation, could not afford to keep their capital locked up in bonds. Under a Democratic Administration, too, with a profound uncertainty as to the speedy taxation of bonds, or their payment in depreciated notes, it would be extremely difficult to find new purchasers for bonds. In the change of system a great contraction of loans would be inevitable. Many banks would wind up their affairs and go out of existence. Many others would be forced to cut down their loans in order to make the change without ruinous delay. It seems almost incredible that any one should propose to throw into disorder loans amounting to \$995,000,000, for no better reason than to tear down a banking system which has served the country so admirably. Nor is it possible to estimate the loss and suffering of individuals and the stagnation of industrial enterprises which such a change would involve.

Who can tell how much the Democratic party, if it had the power, would impair the public credit by cutting down the revenue? That party has manifested, alike by its past acts and by its open declarations, a fixed purpose to change the revenue system, and not for the better. Already it has thrown many obstacles in the way of collection of the tax on whisky, until the people in some Southern districts have come to expect a total abolition of the tax as a result of the election of General Hancock. Already it has taught producers of tobacco the false idea that the tax upon the manufactured products falls upon the grower and not upon the consumer, so that a sectional agitation for the repeal of that tax is in progress.

We have entered upon a period of hopeful activity in commerce and industry. Trade multiplies ; manufactures start forward with vigor ; labor rejoices in fair wages and full employment. Yet we have but just emerged from a long period of disaster, in which the resources of all were greatly strained and the reserves of capital greatly exhausted. A year or two of rebuilding, restoration, and large outlays for the adjustment of business to new needs, became necessary after a prolonged prostration. There has not been time, as yet, for business and industry in their various branches to get fully into condition for profitable work ; much less has there been time for the accumulation of new reserves. Business interests are

not prepared to bear another period of strain or disaster. They have just begun to thrive. A reaction now, like a relapse from fever, would be more dangerous than the original disorder. In 1839, after one year of partial recovery from the comparatively brief prostration of 1837, the country suffered such a relapse, and the terrible consequences will not be forgotten. The business of this country is not in the condition to endure the enormous strain, the grave anxiety, and the prolonged uncertainty of a complete change of financial policy.

The fear of disastrous changes would prostrate the public credit almost as much as those changes themselves. Even though none of the unwise steps contemplated should finally be taken by the Democratic party, still a large proportion of the people would fear them, and would act upon that fear. Creditors and investors abroad would fear them, and would act without delay. Men would make haste to get out of danger before the anticipated blow should fall, and the panic to escape from supposed peril often results in greater loss of life than the dreaded catastrophe. We have to face the fact that almost every great financial interest would be threatened by Democratic success. If the blow should never come, the mere threat might do irreparable and incalculable injury. Bondholders by the thousand, distrusting the party by which payment of bonds in depreciated paper has been urged for years, might make haste to realize. But these sales would prostrate credit scarcely less than the dishonest measure feared. Banks, savings banks, and insurance companies, apprehending that their assets might melt away beyond the limit of safety by a fall in bonds, would make haste to sell. But the selling would soon depress the price so that surplus reserves would vanish. Bankruptcy for a few institutions might involve bankruptcy for many, and that would mean loss of their savings for millions of people.

It can not be expected that the national banks would wait for the actual spoliation which Democrats have threatened. Not a few would haste to wind up as national banks, and to get their bonds safely sold. Loans would be hastily curtailed, by some in excessive caution, and by others of necessity. Who can fail to see that the mere apprehension of injustice to this vast interest would disorder trade and industry in every department? Long before a Democratic Administration could begin to do good or evil, the evil effects of a change would be felt.

Public credit means what the people think about the honesty and solvency of their Government. What the Government really can do and will do has little effect, if the people have a fixed belief about the matter. The fact can not be denied that in the financial and commercial world the Democratic party is profoundly distrusted. It has done nothing for years to remove distrust, but very much to increase it. The fact is noted that the Democratic party is largely controlled by the South. But the South has but a small part in the investments, the commerce, or the industries, which a change of policy would affect. It is essentially agricultural. It employs 6·5 per cent. of the manufacturing capital of the country, only 5·3 per cent. of the money loaned by banks, only 7 per cent. of the tonnage used in domestic commerce, and only 7·4 per cent. of the freight-cars used on railroads. Of the holders of United States bonds, probably much less than one tenth are in the Southern States. None of the loan and trust companies are located there. Out of 208,000 shareholders in national banks, less than 20,000 are in all the States formerly slaveholding, and only 64,353 depositors in savings banks out of 2,204,000 in the whole country, or less than 3 per cent. In short, the South has but an insignificant share in the immense and complicated system of commerce, manufactures, investments, savings, and vast credits, which rests upon the public credit as a foundation. This is not suggested as a reproach, but it prompts the question whether any business firm would turn over the management and control of its affairs to the partner having the smallest interest in the concern? If the United States intrusts the defense and maintenance of the public credit to that section which has least share or interest in it, or in the diversified industries and commerce which depend upon it, there will be real reason for apprehension.

We can not forget the origin of the public debt. The people of the once rebellious States do not forget that the debt was created in suppressing the rebellion. Even in the payment of debts contracted by themselves, and for their own advantage, Southern communities have not been conspicuous for their fidelity. Can it be expected that they will be more eager and scrupulous to pay, according to the letter and in any emergency, obligations created in putting down a rebellion which they made and sustained? The men who expect such a thing will not be thought sagacious by the civilized world. Nay, more; a transfer of all care of the public

credit to a party politically controlled by and dependent upon the South will seem to all the world little less than a public proclamation that the people of the United States are weary of protecting its credit and paying its debts.

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THE FUTURE OF THE REPUBLICAN PARTY.

THE existence of a party in power for the term of twenty-four years, against an active, persistent, and capable opposition, is an unexampled circumstance in American politics. To be sure, the party of Mr. Jefferson administered the Government for the same period of time, but Mr. Monroe was supported in 1820 by the entire body of the people. There was then no party; the opposition had disappeared; the Administration represented the country.

The passage of the Kansas-Nebraska Bill in 1854 caused the first serious division in the modern Democratic party. The course of Mr. Douglas in 1857, and thenceforward to 1860, resulted in the election of Mr. Lincoln.

The popular vote given to Mr. Lincoln was much less than a majority, however, and the Republican party accepted power under circumstances that even in a time of peace would have been fraught with peril. The election of 1862, although eleven Democratic States took no part in it, was so disastrous to the Republicans, that the majority in the House of Representatives of the Thirty-eighth Congress was less than twenty. At every Presidential election from 1864 to 1880 the contest has been severe, bitter, and always doubtful. In several of these contests the Democrats have gained much by their crimes, and often they have lost much by their stupidity. In the contest just ended, both of these statements have been veri-

fied. By their crimes they conquered, they subjugated Mississippi, Louisiana, and other States of the South that, upon a free vote, would have been Republican; by their blunder they lost New York, Connecticut, and other States of the North, that, except for the tariff issue, might and probably would have sustained the Democratic party.

Had that party been wise, a plain way was open by which they could have made the tariff question a source of strength instead of an element of weakness, as it became by the unskillful management of leaders at Cincinnati.

Senator Eaton, a Democrat, had proposed a commission, to be clothed with power to examine and report upon the entire revenue system of the country. As far as the Senate was concerned, the commission had been created, and nothing was wanting but the concurrent action of a Democratic House. If the party at Cincinnati had abstained from the declaration in favor of a tariff for revenue only, and had announced its purpose to await the report of the commission, and then to so adjust the rates of duty as to furnish revenue and give incidental protection to our industries, the Republican party would have been compelled to accept the position as a reasonable one under the circumstances. To be sure, the doctrine would have been inconsistent with the traditions and history of the Democratic party, and inconsistent, especially, with the platform of 1876, but it is doubtful whether upon argument the business men and laboring men of the manufacturing States could have been aroused, and except for their active efforts this election would have been lost to the Republican party. It might have been argued, it would have been argued, that it was the purpose of the Democratic party to frame a tariff system for revenue only; but such arguments would have been fruitless of results in presence of counter-arguments made by Democratic presses and orators, and based upon the most recent declaration of the party. In human affairs blunders are often closely allied to crimes, and the Democratic party has now lost by a blunder what it otherwise would have gained by crime. Possibly, it may be urged that the declaration at Cincinnati was but the honest expression of party opinion, and that the declaration would have been made at the cost even of the Presidential election. This theory is refuted by the anxiety exhibited by Senator Randolph, and by General Hancock himself, to escape the political consequences of the declaration made at Cincinnati.

Ostensibly General Garfield has been elected upon the tariff issue,

but in reality the tariff became an issue upon the declaration made at Cincinnati, only in consequence of the outrages in the South by which the majorities in Congress had been transferred from the Republican to the Democratic side. Except for this circumstance, the preponderance in favor of Republicans in Congress and in the States would have been such that all anxiety for the protective system would have been quieted.

As the tariff, however, has been in the popular mind a leading issue in the canvass now closed, it must be a leading topic of thought and of legislation by the incoming Administration, until the system is perfected and firmly established in the policy of the country.

But it is to be said that the present tariff, as a system, was not at issue. The principle of protection, however, was at issue, and the verdict was in favor of the principle. No one contends that the system is perfect. The first duty of the Republican party, then, is to perfect the system, so as to provide revenue and furnish protection to our industries. The principle found in the existing system is to rule in any new bill that may be framed. The present law provides revenue and furnishes protection. The two purposes are not inconsistent, as the experience of the country for eighteen years demonstrates, and, with Republicans, protection is not the least important of the two features of the system.

It is not enough, however, to maintain the present system, or to provide an improved system based upon the same principle. Whatever peril may menace the existing tariff is due to a solid South, and a solid South will be a continuing menace to any system designed to protect American industry.

The South—that is, the dominant party in the South—is opposed to a protective tariff upon two grounds : First, the ancient doctrine of State rights is a denial to the General Government of any power under the Constitution to promote industry, encourage development, or stimulate prosperity in the States. In the opinion of the South, the duty and the power of the Government are limited to the enactment of those laws necessary to its existence. The support of the army, the navy, the judiciary, and the Post-Office, and the collection of the revenues necessary therefor, are the chief if not the only duties of the General Government.

The South therefore is opposed, upon principle, to a revenue system designed to protect and encourage the industry of the States, or which in any way recognizes such aid and protection.

Secondly, the advanced industries of the country are in the North, and to the ancient sectional hostility existing in the South is added the bitter recollection of the recent contest and its disastrous results. The prosperity of the North, its rapidly increasing numbers, its wealth augmenting beyond the dreams of avarice, its diversified and growing industries, are but so many evidences to them of Northern greatness and of Southern inferiority. Educated in the dismal doctrines of State rights, they find no satisfaction in any prosperity except that of and by the State. It is not enough, then, to secure the passage of another bill which shall be more perfect as a system than the present law; for, as long as the statutes of the country recognize the doctrine of protection to domestic industry, those statutes will be assailed by the Democratic party, and as long as the South remains solid those statutes will be menaced by uplifted, hostile hands.

If, then, the Republican party is not moved to break the solid South by any higher motive than that of self-interest, it is under an imperative necessity to do so in its capacity as preserver and guardian of the industries of the North.

How can this be done?

It is to be said, first of all, that whatever is undertaken must be undertaken as an Administration measure; and, being an Administration measure, it will be accepted and treated as a party measure. This is not a misfortune. Non-party measures have proved, usually, unwise measures.

Mr. Clay's compromise tariff of 1833 and the slavery compromises of 1850 are memorable instances of ill fortune waiting upon non-party legislation touching great public interests. Of the policy of the Administrations of Jackson and Van Buren, the Independent Treasury system is the only remaining monument, and this from first to last was advocated on one side and resisted on the other as a party measure.

As party measures, the Republicans may claim the prosecution of the war to a successful termination, the emancipation of the slaves, the constitutional amendments, the tariff system, the issue of greenbacks, the funding of the public debt, the establishment of the national banking system, the resumption of specie payments, and many other measures of secondary importance.

In fine, all or nearly all the measures which now contribute to the public prosperity were introduced, advocated, and defended as party measures. Usually, what is done by a party is done under a

deep sense of responsibility, and in the presence of an alert, scrutinizing, and, it may be, unscrupulous opposition.

Under such circumstances the wisest counsels are sought and the most careful deliberation is practiced. The caucus is often a more conservative body than the legislative assembly itself, and many an unwise scheme has been consigned to oblivion by party councils that might have commanded a large non-partisan support.

It may well be said also that the time is past for concessions, compromises, conciliation. A policy of concession, of compromise, of conciliation, will no longer be even tolerated in the Republican party.

The canvass has been conducted upon the ground occupied by the earnest men of the party, and the success of the party is due in the largest degree to the presence and active labors of General Grant, Senator Conkling, and their friends and supporters. Our policy toward the South in its present political attitude must be determined, bold, aggressive. The South respects power, and it respects those who possess power and exhibit courage.

We demand a full, free vote and an honest count. Upon this demand is the issue, and the duty resting upon the Republican party is to extort from the Constitution every legitimate power for the enforcement of this demand.

Each House of Congress is the judge of the election of its own members, and a practicable and not unlikely a sufficient remedy for the outrages upon the ballot-box in the South may be found in the consistent, speedy, and resolute rejection of claimants to seats whose record is tainted with fraud or stained with crime. Whenever it is understood that no person can be admitted to a seat in the Senate or House unless the record of his election is clear, the character of the canvasses in the Gulf States will undergo a change. It is too much to anticipate a free vote and an honest count at once, but new methods would be substituted for the existing ones, and the change could not be for the worse. Whenever it is understood in the South that an election by fraud or force will not count in the government of the country, the South will be unrepresented in part. Democratic districts and Democratic States will be represented, and Republican States and Republican districts will be unrepresented. Thus something will be gained.

As recently as 1868 the Democratic party denounced the thirteenth and fourteenth amendments to the Constitution as null and void, and their recognition of them in later days has been only tacit

and general. Uniformly they have resisted, denounced indeed, every attempt by legislative action to render the three amendments vital and effective in the policy of the country. From our opponents nothing can be expected ; but, whenever the Republicans can command a majority in both Houses of Congress, there ought to be no delay in passing laws for the supervision and protection of the ballots in the election of members of the House of Representatives, and of electors of President and Vice-President.

Moreover, the Senate must assert and exercise its undoubted constitutional prerogative of inquiring into the election of legislative assemblies, whenever the question is raised in deciding the right of a claimant to a seat in the Senate. Of course, the Senate of the United States has no power over the organization of a State Legislature ; but if, upon inquiry, it finds that a State Legislature is an unlawful assembly, and to such an extent as to invalidate its action, then a person claiming a seat in the United States Senate by virtue of the vote of such a body ought to be rejected. In other words, the claim of a body of men in a State to be the Legislature of that State does not preclude inquiry by the Senate when it is called by the Constitution of the United States to decide upon the election, qualification, and return of its own members. Under the Constitution the right of inquiry knows no limits ; and the exercise of that right is within the discretion of the Senate.

Since the war the Democratic party has shown a bitter hostility to the army. In all British history the army has been subject to call by the civil magistrate, as a part of the *posse comitatus*, for the preservation of order and the enforcement of the laws. This conservative power in government is now denied to the civil magistrate by the Democratic party, and for the single reason that it may be used to protect the ballot and to collect the revenue on whisky. It is no part of our purpose to control or influence elections by military power, but the civil magistrate should have the means within call of protecting the ballot and keeping the peace. The bayonet is not the best instrument for collecting ballots, it may not be even a proper instrument ; but when the case arises, and the case has arisen in nearly half of the States of the Union, that the bayonet must be employed to protect the ballot or republican institutions must disappear, there ought to be no hesitancy in using the bayonet to protect the ballot. With the ballot free we can control the bayonet, but when the ballot is suppressed the bayonet is supreme.

But there remains a constitutional power—a power as yet un-

used, a power whose nature and faculties have not received full and final judicial interpretation, but a power adequate, beyond question, to any and every assault that may be made upon republican government in the several States.

By section 4 of Article IV of the Constitution, it is provided that "the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them from invasion."

This guarantee to the States of a republican form of government is coupled with the highest pledge that can be made by one body-politic to another — protection against invasion. The two pledges considered together are a guarantee of the existence of the State, and of its existence as a republic.

The Supreme Court has given an opinion that the guarantee is to the inhabitants of the respective States, and not to the governments of the States. In considering the varying meanings of the word "State" in our Constitution, the Court say: "There are instances in which the principal sense of the word seems to be that primary one to which we have adverted, of a people or political community, as distinguished from a government. In this latter sense the word seems to be used in the clause which provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion. In this clause a plain distinction is made between a State and the government of a State." (*Texas vs. White*, 7 Wallace, 721.)

When we consider the nature of this obligation, its place in the Constitution, and its necessity as a means of protecting the Union itself from undermining and destroying processes, we can entertain only contempt for the doctrine that when the system in a State is republican there can be no further inquiry by the United States, and that the national Government must ever remain a silent spectator of the total subversion of the system in practice. If this be so, it is then only necessary for a body of usurpers in a State to retain a republican form of government, and then proceed to rob the people of every right appertaining to a republican system. And further, if this be so, then the guarantee is to the authorities of the State and not to the people. The guarantee of a republican form or system of government is nothing to the people living under the system unless the administration of it is republican also. Indeed, the guarantee of a republican form of government, when that government has

been seized by usurpers and the people are deprived alike of the rights and of the protection which a republican government is designed to secure, makes the guarantee itself the shield of the oppressor and the menace of the down-trodden.

The guarantee is, then, not of the *form* only, but of the *substance*, the *thing* itself, as well. The republican government guaranteed is a government existing and operating in harmony with the American idea as set forth in our Constitutions, both State and national, or accepted universally and by many successive generations.

Some of the essential features of a republican form of government are these : 1. All just powers are derived from the consent of the governed. 2. The exercise of those powers is by representative men selected by the people, either directly by election or indirectly by appointment. 3. The recognition in the Constitution of the existence of a body of men entitled to the elective franchise. 4. Efficient means for the general and equal enjoyment of the right by all of the class so recognized. 5. Obedience to the will of the majority when, agreeably to the Constitution, that will has been ascertained.

The Congress, including the President, is the United States, for the purpose of making good the guarantee contained in the Constitution ; and when in any State the essential qualities of a republican government are wanting, or the people are generally and systematically deprived of those rights and privileges which are elemental in our republican system, and when all milder means have failed to remedy the evils, it then becomes a duty to assert the power of the United States under the clause of the Constitution quoted, and, by such means as may be adequate, secure to the people a republican government as a practical, existing fact.

Although many years have passed since the outrages in the South assumed national importance, there is still ground for hope that order may be reëstablished, and the equal rights of citizens everywhere recognized ; but it is well in this exigency to assert the existence and unfold the nature of a power adequate to the evil we now confront.

The Republican party bears no hostility to the South as a section. If we are a sectional party, and in one sense we are a sectional party, the circumstance is due to the fact that, in the South, the Republican forces are in a state of duress, and their voice is nowhere heard, nor is their power anywhere felt.

When, however, there shall be freedom of speech, of the press,

and of the ballot, the Republican party will exert every constitutional power for the renovation of the waste places in the South. Whatever can be done, under the Constitution, for the improvement of its rivers and its harbors, for the rebuilding of its levees, for the development of its agriculture, for the extension of its manufactures, for the enlargement of its educational facilities, will be done by the Republican party without delay and without grudging. But all this can be done, and will be done, for those communities and States only where the equality of all men before the law is a living, practical fact. The two great duties of the Republican party are the protection of the rights of laboring men in the South and the protection of the industry of laboring men in the North. In fine, the two duties are co-related. The exodus teaches that injustice in the South is destined to subject the laborer in the North to an unnecessary and unhealthy competition, while the South is at the same time deprived of the labor essential to its own prosperity and to the prosperity of manufactures in America and Europe.

GEORGE S. BOUTWELL.

DISCOVERIES AT OLYMPIA.

THE history of the Hellenes is distinguished by a twofold trait, namely: on the one hand, a lively sentiment of national unity, as against all other nations; and, on the other, a strong sense of individuality in the several communities and cities. The sentiment of national unity found expression in the ancient leagues or amphyc-tioniæ, by which the Hellenes were welded into one people. When these had lost their political significance, the festivals of the gods remained as the most effectual bond of union. Now, of all these festivals none was of greater importance for the history of the Hellenic race than that of Zeus, celebrated in the valley of the Alpheios, where the river issues from the Arcadian mountains, and where, at the foot of the heights of Olympus, lies a plain equaled by but few in Greece for extent, accessible from the interior, as also from the neighboring coast and from the transmarine colonies in the west. Yet the national importance of Olympia resulted not from its situation, but from a series of historic developments.

On the west coast of the Morea we find after the Doric migration two ancient states standing side by side, namely, Pisa, on the Alpheios, and Elis, on the Peneios, which latter stream waters the lowlands to the north. These two neighbor states, held together as they were in peace by their common worship of the goddess Hera, became still more firmly united when, impelled by a Delphic oracle, certain Achaian families settled at Pisa, and there introduced the worship of Pelops, whose rank among heroes was as that of Zeus among gods. In the plain before the gates of Pisa there was an oracle of Zeus, much frequented by strangers. It was thus that the town first acquired prominence; and at one time Elis and Pisa honored Olympian Zeus by holding festivals and games in common. But their pacific relations were disturbed by the dissensions which broke up the Peloponnesian states into distinct groups. Elis allied

itself to Sparta, which thus strove to extend its influence over the states on the west coast. Pisa united with Arcadia and Messenia. After a stubborn resistance, the Pisans were finally vanquished (about 600 B. C.), their city destroyed, their commonwealth annihilated, and ever afterward the Eleans enjoyed the exclusive right of conducting the festivals, while Sparta, as the chief power of the peninsula, insured to the whole region the inviolability of its frontiers. Olympia became a place of meeting for all the Peloponnesus; and as the Peloponnesus, down to the time of the Persian wars, led all Greece, Olympia came to be the center both of the mother-country and of the colonies. Every five years the envoys of the Eleans went forth to proclaim the festival, which was to begin at the first full moon after the summer solstice; and ambassadors, spectators, and athletes came, in answer to the summons, from every part of the world inhabited by Greeks. The Eleans made it a point of honor to add continually new attractions to the national festival, and to decorate the site on which it was held with the statues of victors, votive offerings, and monuments of every kind. Every Hellenic community, at home or abroad, desired to be represented here; and, when Hellenic freedom was extinguished, the conquerors of the Hellenes strove to efface the memory of the struggle by making a show of Hellenic culture at Olympia. This was the policy of both the Macedonians and the Romans. The Roman emperors looked on Olympia as the place above all others where Hellenic and Italian civilization could best be amalgamated. The Olympic games survived the Christian era, nor was it till the close of the fourth century that they ceased. In the year 395 the Emperor Theodosius decreed their discontinuance; in the following year came the Goths under Alaric, who utterly destroyed here a very forest of bronze statuary. The buildings still remained intact, but their destruction began when the Byzantines, as a defense against a new barbaric invasion, built a fortress inclosing the temple of Zeus, taking the materials from the still standing edifices. Whatever buildings were then left erect were soon afterward overthrown by earthquakes in the fifth century; finally, Olympia was buried beneath mud and *débris* by the overflow of the rivers and the washing of the hillsides.

In modern times the plain has been cultivated in vineyards and corn-fields, but uninhabited; and so it came about that, among all the famous sites of the ancient world, Olympia was one of the few where no new settlement interferes to prevent a thorough exploration of the ground. But nowhere else can you find so many remains of

Grecian civilization belonging to every age and to every region. It was on this account that, from his early years, it was a passion with Winckelmann to explore Olympia.

The first attempt was made by the French, when, after the battle of Navarino, Marshal Maison's troops occupied the peninsula. Then it was (May, 1829) that those remains of statuary were found which are to be seen in the Louvre. The results then obtained insured in advance the success of the thorough exploration which began in 1875 under the auspices of the Imperial German Government. In October of that year the temple of Zeus was brought to light, and for the five years that have since elapsed, during the months (October to May) when work can be carried on, the exploration has proceeded, at an annual expense of 150,000 marks; for last year the Emperor allowed an additional grant of 80,000 marks. Let us now see what is the total result in this year 1880.

Olympia consists of two very distinct parts, namely, the precinct of Zeus, and the edifices lying without the same. The precinct of Zeus, known also as the *Altis*, and the Sacred Grove, is a walled inclosure, forming an irregular quadrangle, with a mean length of 4,000 feet from east to west (parallel with the river), and a mean width of 2,000 feet from north to south (from the foot of the mountain to the river). Within this inclosure stood the altars, temples, sanctuaries, treasuries, and other buildings for the use of the officials, and for the reception of the city's guests attending the festival. The space not occupied by these structures was filled with statues and votive offerings, which, as time went on, were multiplied till at last only the roadways traversing *Altis* were free. Pausanias has left us a precise description of *Altis* (written A. D. 173), which is still extant.

Olympia now lies before us like an open book. We know more about it than about any other spot in ancient Greece. The Abbé Barthélemy might now, with full assurance, point out to the young Anacharsis the notable monuments of the precinct of Zeus.

This precinct of Zeus may be considered as divided into two parts, a northern and a southern. In the southern portion the temple of Zeus forms the central point, around which are grouped the lesser monuments. The temple was never entirely covered with *débris*, but not till now could its whole ground-plan be seen. It was a building in character like the Parthenon, but still more imposing, for it had only six columns on its narrower façades, making its architrave blocks so much more massive. There still remains in

the vestibule of the temple the ancient mosaic pavement, composed of pebbles of different colors from the Alpheios, representing Tritons and Cupids. We can measure exactly the cella; we recognize distinctly the site where stood the colossus erected by Phidias; we see the traces of the interior columns, the supports of the galleries, to which wooden stairways led up. The material of the temple was a friable shell limestone coated with white stucco of the finest quality. The molding flute with lions' heads spouting water, as also the flags forming the roof of the temple, were of Parian marble. In Roman times the edifice underwent a thorough restoration, the material employed being Pentelic marble. This work of restoration can be distinguished both by the material and by the marks made by the workmen on the blocks of stone. Still, the edifice as a whole is a monumental example of a Doric temple, and it is of the highest value for the history of that style of architecture. It is the work of Libon, a native artist, and dates from a time only twenty years prior to the building of the Parthenon. We find here grander proportions, a more admirable earnestness, a purer Doric, than in the more celebrated temple at Athens.

Special interest attaches to the sculpture of the temple—the work of masters known to us through Pausanias, who describes this edifice more minutely than any other in Olympia. Paionios represented on the eastern pediment the contest between Oinomaos and Pelops in twenty-one colossal marble figures, with Zeus, as judge of the battle, in the middle. These figures have all been discovered in a more or less perfect state of preservation; eight still have their heads. This group by Paionios in the eastern pediment, flanked by the two river-gods, Alpheios and Kladeos, in the outer angles, is full of gravity and repose. The western pediment, which was the work of Alkamenes, exhibited more action. Here, again, a god stood in the middle of the group—the youthful Apollo, who intervenes amid the strife that has arisen during the marriage-feast of Peirithoös. Drunken Centaurs are carrying off the women, and the Hellenes are coming to the rescue. On each side of Apollo we have three groups of combatants; prostrate on the ground are female slaves lamenting. The outer angles are occupied by reclining nymphs. Here, again, the number of figures is twenty-one, and of thirteen of them the heads remain. Notwithstanding the fearful ravages of time, these compositions are still intelligible, and capable of restoration in all essential particulars. The pediments of temples are the grandest products of Hellenic sculpture; therefore

the discovery of these two pediments marks an epoch in the history of ancient art. They date from the age of Phidias, and are incomparably superior to anything of the kind before known.

Besides the pediments we have the metopes of both ends of the temple sculptured in *alto-rilievo*, and representing the twelve labors of Herakles—six groups standing over the eastern entrance and six over the western. These reliefs were the last to fall down, and hence fragments of all twelve have been found on the temple-steps. Of some of the groups nearly all the fragments have been found, especially the one representing King Atlas as bringing to Herakles the apples of the Hesperides; Herakles in the mean time supporting the vault of heaven, assisted by one of the Hesperides, who stands behind him. The battles with the Stymphalian birds, the Cretan bull, and the Nemean lion, are substantially perfect.

These *rilievos* are treated in vigorous style, and at one time we thought we saw in them the work of the Peloponnesian sculptors who wrought here before Attic art had found entrance into Olympia. But, having since had opportunity for a closer study of the sculptures of the temple, I now hold it to be beyond question that these are of the same school to which the sculpture of the pediments belongs. Beyond a doubt, the recently discovered head of the youthful Herakles setting his foot upon the lion is a work of Attic art.

Very widely divergent opinions have been expressed about the place to be assigned to the sculpture of the temple in the history of art. In fact, it is a problem of great difficulty and of high interest, the complete solution of which will be reached by degrees. In my opinion it was to the earlier school antedating Phidias, the school of Kalamis, that the governors of the temple of Olympia turned when they bethought them of treating with foreign sculptors concerning the glyptic ornamentation of the edifice. These artists held to Phidias the same relation that Perugino does to Raphael; and they retained their style even after the more recent master had introduced a new epoch. Thus we can explain the rigid symmetry that characterizes Paionios's pediment, while the impassioned groups of the west pediment show what a fermentation was going on in plastic art, for as yet artists had not learned from Phidias how to combine harmoniously repose with action.

The sculptures at Olympia are part and parcel of the history of art. The Apollo in the middle of the western pediment shows how the artists of the time, in representing the gods, still scrupu-

lously clung to ancient traditions, whereas in portraying men and Centaurs they exercised perfect freedom. Still from the hand of Paionios we have, in the colossal figure of Nikè, a work of the utmost boldness. The goddess is descending from on high, to publish to the assembled Hellenes the achievements of the Messenians settled at Naupaktos. This figure is the only monument of classic antiquity we possess of its kind. It was found *in situ*, its pedestal with its inscription perfect. From this masterpiece of Paionios we see how rapidly plastic art was then developing.

The second temple in the order of size, though prior in time, is the Heraion, situated in the northern half of the Altis—a Doric temple, with six columns in front and sixteen on the sides. It has thrown new light upon the subject of the ancient temple architecture of the Greeks. Here is a building originally designed for the reception of votive offerings, and which accordingly had in the interior two rows of small chambers, like chapels. The entrance was in the southern long façade. In the lapse of centuries it was completely transformed, and we can see how the original wooden pillars were, one group after another, replaced by columns of stone. The entablature was probably always of wood, hence the extraordinary width (considering that the columns are Doric) of the intercolumniation of the portico. Henceforth the history of Hellenic architecture must begin from the temple of Hera at Olympia. Finally, the ground-plan of a third temple, surrounded by columns, has been discovered. This, the Metroön, or sanctuary of the mother of the gods, stood in the northern half of the Altis, just below the terrace of the treasuries. This building we must regard as simply a place for keeping votive offerings.

There were other buildings erected specially for the purpose of holding these votive offerings, namely, the *thesauroi*, or treasuries. Such buildings were familiar to us already from descriptions of Delphi and Olympia, but none had ever been discovered.

Now the entire row of treasuries described by Pausanias is exposed to view, their main features preserved so far as they escaped ruin in Roman times. They were edifices built after the manner of temples, and two of the more important of them—namely, the treasury of the Syracusans, erected by them after the siege of Carthage; and that of the Megareans—are easiest recognized. The latter building had one of its pediments decorated with a representation of the war of the giants, and of these sculptures considerable remains have been found. They display a style more ancient than

that of the *Æginetæ*, and add materially to our knowledge of temple sculpture. Among the treasuries must also be classed the *Philippeion*, the rotunda of marble built by Philip of Macedon after the battle of *Chæronea*, and which was filled with statues of his family. This is the oldest Grecian round temple whose date we are able to determine. Its ruins are in a tolerable state of preservation, and lie to the west of the *Heraion*, while to the east of the same the remarkable structure built by *Herodes Atticus* has intruded itself among the treasuries. It occupies a semicircular niche cut into the foot of *Mount Kronion*, and was designed to hold a series of twenty-one marble statues representing the families of *Antoninus Pius* and *Herodes Atticus*. In two projecting round temples were statues of *Antoninus* and his wife *Faustina*. In front of this building there was a large walled basin, from which spring-water from the hills in the rear was conducted through the *Altis*. On the margin of this basin stood the figure of a bull, on which *Regilla*, wife of *Herodes*, had an inscription carved, to the effect that she, as priestess of *Demeter*, had consecrated the water-works to *Zeus*. The building was an imposing structure, erected in the year 170, but it was impossible to complete it without injury to the treasuries on each side. There is no doubt that one of the most notable buildings of *Olympia*, the double treasury of the *Sikyonians*, was destroyed to make room for it.

Midway between the temple of *Zeus* and the *Heraion* was the precinct of *Pelops*, where that hero was worshiped. The entrance was from the east, because offerings were made to *Pelops* toward the setting sun, he being a denizen of the nether world. This place retained all the simplicity of the olden time, and not till a late period in its history was there an entrance-hall built at its one gate; the foundation of this still remains.

To the east of the *Pelopion* we see the ruins of the altar of *Zeus*—an elliptical ring of unhewed stones occupying the center of the *Altis*. The whole worship of *Zeus* had its focus here. Around this altar those who went up to the festival were wont to assemble; and the priests, in offering sacrifice, noted the omens, which were interpreted by them as oracles. Another famous altar was that of *Hera*, to the south of the *Heraion*. In the soil all round this altar was found a vast quantity of votive offerings, in terra-cotta and bronze, a fact that plainly shows that here, and not in the temple, the worship of the gods was centered.

Finally, in the extreme northwest corner are the foundations of

the Prytaneion, or town-hall, of Olympia, with the altar of Hestia, the sacred hearth of the Altis, and with its great banqueting-hall where the victors were entertained on the evening of their day of triumph.

The open spaces between the buildings were filled with statues. These were of two kinds, either votive offerings of cities or individuals, erected here as in the most celebrated place of assembly for the whole Hellenic world, or statues of men who had won the victory of the Olympian contests. These statues, which with few exceptions were of bronze, were destroyed by fire at the Gothic invasion; the stone pedestals, with their inscriptions, were overturned, deported, and destroyed in Byzantine times, when the temple of Zeus was converted into a fortress; still a few of them remained near their original sites; among them some of those described by Pausanias in his "Itinerary." Hence it is possible for us to make out here and there the original disposition of the statues, and to determine the routes which once traversed this forest of statuary. The main route lay through the pompic (proceßional) gate on the south; around the altars spaces were left free for the people to assemble. Inside of the wall, on the east side, was a portico one hundred metres long, the Echo Hall, the northern end of which faced the last of the row of treasuries; at its southern end it abutted on the Leonidaion, a building erected by one Leonidas for the entertainment of distinguished guests, while the great mass of the people camped in tents around the walls of the Altis.

But the ground outside of the Altis was also covered with buildings of all sorts. Eastward lay the Stadium, accessible through the "private" entrance lying between the Echo Hall and the most easterly of the treasuries. This gave admittance to the judges and the contestants at the beginning of the games. It was an arched passage leading to the starting-place for the runners; and the furrowed stones on which the runners took their places are still in place, as also, at the opposite end, the goal. All the other contests were also carried on here, except the horse and chariot races; for these the Hippodrome was intended. It lay to the south of the Stadium, but the overflows of the Alpheios seem to have destroyed all traces of it.

To the south stood an edifice which consisted of two aisles lying in an east-and-west direction, with a quadrangular court in the middle. These two aisles were separated by a central line of columns, and were terminated at their western ends by a round niche. This

building is nearly contemporary with the temple of Zeus. It is supposed to have served as a meeting-place for the Olympic Council, while the quadrangular space in the middle was, in all probability, the sanctuary of Zeus Horkios, before which the contestants had to make oath that they would strictly observe the laws of the contest. The building is one of the most important remains of state architecture in the fifth century. To the south of the Council-House was a hall fronting on the great highway leading up from the Kladeos to the principal entry.

Between the Kladeos and the Altis on the west was a series of magnificent buildings, of which, before our excavations, one only was visible, namely, that on a part of whose foundations the Byzantine church was later erected. It was apparently designed for holding great assemblies. To the north of this is a circular building in which was found an altar bearing an inscription on a layer of stucco, which from time to time was renewed. We detached these layers, one after another, and on each read a dedication to "The Hero," never to "The Heroes." The branch of bay that adorned its front points to a *heros* of divination. Such, above all others, in Olympia was Ianos, and next after him Klytias. The Ianidæ and the Klytiadæ were the two famous prophetic (or priestly) families of Olympia, and hence we have the best ground for fixing here the seat of prophecy which first gave importance to Olympia. The prophets of Olympia belonged to the priestly college, the members of which we find enumerated in a great number of inscriptions. They remained year in year out in Olympia to attend to the affairs of religion. Directly in front of the Heroön, to the east, are the foundations which supported a group of dwellings built round a courtyard. It is probable that the priestly functionaries lived here, and that the large edifice to which the Byzantine church succeeded was the Theokoleon, the assembly-hall of those functionaries, where the festival embassies from other cities were entertained.

On the north lay the Palæstra, a court surrounded by Doric columns, where the wrestlers and pugilists practiced, while alongside were the halls where rhetoricians declaimed. To the north of the Palæstra were the race-courses, where the runners practiced.

East of the Byzantine church, a large quadrangular building has been unearthed. Like the Palæstra, this had in its center a court surrounded by columns. This court was laid out as a garden. This whole building, which had porticoes also all round, we call the Grand Gymnasium. It was reconstructed in Roman times; in its

day it must have been the largest and most magnificent pile in Olympia.

All doubts are not yet dispelled touching the original use of many of the buildings ; nor indeed are the excavations as yet quite completed, for the summer heat prevented us from laying bare at the Byzantine church the foundation walls there discovered. Work will be resumed at that point next October. But the great object of the excavations has been attained. The Olympian Altis, like a sunken island, has again emerged ; and, though the buildings are not so well preserved as those of Pompeii, nevertheless the elements of the ancient architecture have been found in such perfect condition as to enable us to reconstruct it.

It will readily be seen that the discovery of Olympia is an event that marks an epoch in our knowledge of Hellenic antiquity : for many a year science will be occupied in gathering this harvest. I can here only allude briefly to a few of the many newly discovered monuments reproduced in the four volumes of the "*Ausgrabungen von Olympia*," and discussed in the "*Archäologische Zeitung*," of Berlin. The most trustworthy of all witnesses of the past are inscribed monuments. We have found, in all, upward of four hundred inscriptions, on bronze, stone, and terra-cotta ; on pedestals, architraves, and columns ; on helmets, shields, and lances ; on reliefs, etc. A large proportion of these refer to victors at Olympia, and these teach us much, both in poetry and prose, about the different sorts of games. Other inscriptions were set up here simply because Olympia was the center of Greece—complimentary inscriptions of all sorts, treaties, arbitrations. These monuments belong to the most diverse epochs, and to every region wherever Greeks lived. Hence we find very great variety in the forms of letters and in the language : in fact, Olympia has proved to be a rich mine of information concerning the Hellenic dialects. At the same time, the inscriptions afford us data for the history of the period from the seventh century B. C. down to Byzantine times. As regards the science of art, a vast amount of material has been won for architecture. We are beginning to understand temple architecture in its historic evolution. Of certain architectural forms peculiar to Greece, as the treasuries, many examples are here seen. We have here before our eyes the first Greek palæstra, of which before we possessed only a very obscure description by Vitruvius. So too we have here the race-courses of the ancients clearly identified, both the tracks used for practice and the Olympic Stadium itself, with

its main entrance, and the very stones that marked the starting-point and the goal. Formerly no specimen of the ancient Greek town-house or Council Hall was known to exist; but in the newly discovered Olympian Buleuterion we have a structure unique in its kind, dating from the earliest times. The Macedonian epoch is well represented by the rotunda of King Philip, and the period of Alexander's successors by the columns which supported the effigies of the Ptolemies. On all sides are seen Roman reconstructions of Grecian edifices, and we can clearly distinguish, e. g., in the temple of Zeus, Roman restorations, from the workmen's marks. The building erected by Herodes Atticus is wholly original in its combination of a water reservoir with an *exedra* and two projecting round temples. Of special interest, as regards the temples and temple-like buildings, is the fact that here the terra-cotta ornamentation remains in an excellent state of preservation, and is represented in a great number of specimens.

Above all, much light is thrown upon the relations of architecture and sculpture. Instance, the *rilievo* groups in limestone that filled the pediment of the Megarean treasury—a work of antique art belonging to an earlier period than the Æginetan pediment. Instance again, the metopes of the temple of Zeus, some of them very well preserved. These sculptures are in the transition style, and are fit companion-pieces for the metopes of the so-called temple of Theseus at Athens. Finally, there are the colossal groups on both pediments of the temple of Zeus. The artistic restoration of these works and their scientific discussion will for a long time give occupation to archæologists; at the same time our knowledge of Hellenic temple architecture will be established on a new basis.

In addition to all this, we have acquired a vast amount of fresh material for the history of art. The Nikè of Paionios, with its pedestal and inscription set up by the Messenians, and now found in its ancient place, is one of the most remarkable works of the old sculptors, grand and bold in design, masterly in execution, and of the highest significance for the development of the Nikè type: it is a new and striking monument of the plastic art of the fifth century B. C. The fourth century is represented in the Hermes of Praxiteles, discovered in the temple of Hera: this is the first original work of that sculptor, who is confessedly the foremost master of sculpture in marble. Further, it is the best preserved work of classic art that we have, and henceforth it will form the groundwork of all disquisitions upon the art of the fourth century. This

one work abundantly repays the expense and labor of five years, even had nothing else been found. But, further, the Attic art of Roman times is here represented in many noteworthy monuments, and the tradition of art history receives many essential additions. Masters whose names have long been known, as Ageladas, Pythagoras, Glaukia, Nikon, Polykletos, Daidalos, Naukydes, Paionios, are now for the first time brought before us in monuments dating from their own period ; while many a great artist, before unknown, now emerges from obscurity. So, too, of the mode of erecting antique monuments we have many examples : we see the various forms of pedestals, their arrangement, and their inscriptions both in prose and poetry.

Finally, we see how the ancients employed different materials in their works. In the lowest strata we find quantities of bronze figures which, as being the votive offerings of poor folk, are rudely fashioned images of men and heroes, but still they are of value, as evidence of a primitive art industry. There are other bronzes that possess artistic merit ; these exhibit the most ancient styles of ornamentation in lines scratched on the surface, or in hammered bas-reliefs. A very interesting specimen of this class of objects is a well-preserved plaque in *rilievo* exhibiting, in four successive fields, two animal groups—the pursuit of the Centaurs by Herakles, and a winged Artemis as a lion-tamer. In this work we see the dependence of Grecian upon Assyrian art, and at the same time the beginning of its emancipation. The work belongs to the seventh or the eighth century B. C.

In Elis, where marble is scarce, bronze and terra-cotta were of special importance. We find terra-cotta figures of the most primitive kind, also terra-cotta statues of the fifth century. Stone, too, of inferior quality was employed—limestone, which was artificially colored. A good deal of material has been collected having a bearing on the polychromy of ancient architecture and plastic art.

It is a mighty labor that has been imposed upon science by these five years of research at Olympia : the scholars and the lovers of art in every land where Grecian culture is prized will have a part in accomplishing it.

ERNST CURTIUS.

RATIONAL SUNDAY OBSERVANCE.

THE first thing to be said about the observance of the Sabbath is that, among Christians, there is no Sabbath to be observed. When people talk about the Sabbath, they are, for the time being, Jews. Only in England and America, among the descendants of the Puritans, and only in religious phraseology, is Sunday called the Sabbath. Somehow, in this country, it is supposed to be a little more religious to say "the Sabbath" when Sunday is meant. A man, in speaking to his neighbor in the street, says, "Sunday," but in speaking to his minister he says, "the Sabbath." I should like to send these Sabbatarians to Italy, where the name of Saturday is "Il Sabato" and that of Sunday "Il Domenico." If, in that country, they advertised their meetings for "the Sabbath," as they do here, they would find that every one who came would come on Saturday.

This is more than a question of words. When a certain portion of the Christian Church constructed the theory that the fourth commandment was of perpetual obligation, only that the observance of the Sabbath had been transferred from the seventh to the first day of the week, their object was to give a sacred obligation to the performance of certain ceremonial duties, and to make of Sunday-worship a kind of sacrament. This has been taught and accepted among the descendants of the Puritans down to the present time. Men have abstained from their common labors, and have attended public worship, because they regarded this as a religious duty, done not for their own benefit but in obedience to a divine command. And no doubt this theory of Sunday observance was well adapted to cause a universal and strict obedience to what God was believed to command or to forbid on this day. When we speak of God's day, God's house, and God's Word, we give an authority to Sabbath-keeping, Church-going, and Bible-reading, which

they would not otherwise possess. Take away that authority, let it be understood that we go to church for our own sake and not to please the Almighty, and that we have a right to do anything on Sunday which rests and refreshes body and soul, and no doubt there will be a great falling away from what is called "the religious observance of the Sabbath."

This may be a bad thing, or it may not ; but, whether the results of telling the truth seem to be good or bad, the truth ought to be told. Yet, when the Lord's day is placed on its true foundation, it will probably be better kept than it is now. The people of New England have been trained up in the belief that Sunday was the Sabbath, and that God has commanded it to be kept holy for ever. At first, and for a long time, the result of this teaching was, that every one abstained from work and amusement, and every one who was able went to church or meeting. But this is not the case now, even in New England. The statistics of church-going show that only a small part of the community, at least in large towns, attend public worship, and that to many it is a day of idleness or of pure amusement. The old belief in the Sunday as the equivalent of the Sabbath is gone, and can not be restored. Would it not be better to put it on another and better foundation ; to elevate it from a Jewish to a Christian institution ; to show that it only becomes God's day by being man's day ? If this is true, it will be sure to be also useful ; for the truth is a tree which always brings forth good fruits.

Scholars are now generally agreed that the Sabbath obligation was *not* transferred by Christ or his apostles to the first day ; that there is not in the Christian Scriptures a single command to keep the Sabbath in any form or on any day ; and that nearly all that is there said about the Sabbath is to deny its obligation. Jesus himself openly and repeatedly violated not only the Pharisaic Sabbath, but that of Moses. When reproved for it, he did not defend himself on the ground that he was not breaking the Mosaic Sabbath, but rather because he had a right to work on that day as the Son of man, the representative of humanity. He did not say, "The Son of God is Lord of the Sabbath," but "The Son of man is master of the Sabbath, since it was made for the good of man." It is also noticeable that he took away the very foundation of the Jewish Sabbath as a positive religious ordinance, by denying that God *ever* rests. "My Father works hitherto [down to this time, always], and I work." Jesus plainly taught that the mode of observing

even the Jewish Sabbath was to be determined by human uses ; that whatever was really good for man might be done on that day. It is not necessary to quote the passages in which Paul expressly denies the binding obligation of the Jewish Sabbath. The latest authority (Smith's "Dictionary of Christian Antiquities") says that St. Paul's words (Coloss. ii, 16, 17) are "absolutely decisive," as well as those addressed to the Galatians (Gal. iv, 10), that "the obligation to observe the Sabbath according to the Jewish law was never, in any sense, binding on Christians." The writer of this article (Rev. Alfred Barry, D. D., Principal of King's College, London, and Canon of Worcester) also says : "The notion of a formal substitution, by apostolic authority, of the Lord's day for the Jewish Sabbath, and the transference to it, perhaps in a spiritualized form, of the Sabbatical obligation established by the promulgation of the fourth commandment, has no basis whatever, either in Holy Scripture or in Christian antiquity." He adds that "the idea afterward embodied in the title of 'the Christian Sabbath,' and carried out in ordinances of Judaic rigor, was, so far as we can see, entirely unknown in the early centuries of Christianity."

No doubt, the belief was constant that all that was divine in the law was fulfilled in the gospel. But no one supposed that the Sabbath of the law was fulfilled by another outward Sabbath of a seventh-day's rest. The outward rest of the Jewish Sabbath was fulfilled in the gospel by an inward rest of the soul, resting from anxious effort in a confident faith. This is the only Christian Sabbath mentioned in the New Testament. The only place where Sabbath-keeping is spoken of except to be condemned, is in the Epistle to the Hebrews (iv, 9) where it is said that "there remains a Sabbath-keeping to the people of God." But the context shows that this Sabbath-keeping is the spiritual rest of the soul, which belongs not to one day but to all days. The idea of the Christian Sabbath is not the celebration of any particular day, but a rest from spiritual anxiety and struggle. This idea prevails in the writings of all the early Church fathers. Athanasius says, "We keep no Sabbath-day, but look forward to the Sabbath of Sabbaths in heaven." Epiphanius says the Jews have their "little Sabbath," but we our "great Sabbath," which is "rest from our sins." St. Jerome affirms that "all days are the same to a Christian." St. Augustine plainly declares that there is no obligation on a Christian to keep any Sabbath. In Christianity, he says, "the observation of that kind of Sabbath which consists in the rest of a single day

is no longer a duty for the faithful." In speaking of the commandments he says that, while all the rest are to be obeyed literally, the fourth is to be obeyed only as a figure. And though a tendency to Sabbatize soon began to come in, it was resisted by the most eminent teachers, and is said not to have been complete till the time of Charlemagne. It was not till the twelfth century that we find the phrase "Christian Sabbath" applied to the Lord's day. Dr. Barry, concluding his article on the Lord's day, says that "the connection of its observance with the fourth commandment rests on no Scriptural and no high ecclesiastical authority." The same result is reached by Dr. Hessey, in his Bampton Lectures before the University of Oxford, in 1860.

The reformers were nearly unanimous on this point. Dr. Hessey says that "Sabbatarianism of every phase was expressly repudiated by the chief reformers in almost every country (even by Calvin, the friend of Knox, and by Knox himself, who is supposed, though incorrectly, to have introduced it into Scotland), and it does not appear in the fully authorized documents of the Church of England." Luther's well-known passage in the "Table-Talk" is very strong: "If anywhere the day is made holy for the mere day's sake, if anywhere any one sets up its observance on a Jewish foundation, then I order you to work on it, to ride on it, to dance on it, to feast on it, to do anything that shall remove this encroachment on Christian liberty." The "Augsburg Confession," prepared by Melancthon for the whole Protestant communion, says, "Those who judge that in the place of the Sabbath the Lord's day was instituted, as a day to be necessarily observed, are greatly mistaken."

But if the force of evidence thus compels us to renounce placing the observance of a day of rest on the ground of a positive divine command, by what principle can this observance be maintained? There evidently remains, for the Protestant, nothing but the argument of its utility, or necessity for the good of man. If we can not any longer consider it as God's day, we must defend and maintain it as man's day. Is this foundation strong enough to support it? Is the use of the first day as a time of rest, of worship, and moral recreation, likely to continue, the authority of a religious law being wholly taken away?

I believe that this basis will be sufficient, and that the Lord's day will always continue a day of rest, though there may be changes in the mode of its observance.

There was no other ground for it at first. Sunday was observed in the beginning, as we have seen, with no reference to the Sabbath or the fourth commandment. It sprang up because it was needed, it spread because it was found useful and good. It was not protected by positive legal enactments till the time of Constantine. During the first three centuries of Christianity the habit of resting from usual labors and meeting for worship grew, until it became universal, not because of any divine command, not as an apostolic institution, but because it was in accord with Christianity and with human nature. Civilized man *needs* just such a period of relaxation and refreshment ; and, as long as he needs it, he will certainly continue to have it.

And this need does not diminish, but increases, with the progress of civilization. The most advanced nations of the world need this rest the most, because they work the hardest. Competition becomes more intense, the strain on the nerves more exhausting. Though, by means of machinery, more is produced, yet the wants of society increase yet more rapidly. What was once a luxury soon becomes a necessity. Living in the midst of this vital tension we are not aware of it, but it necessitates every year longer vacations, more numerous holidays, and it makes one day of rest in seven wholly indispensable. If it could *ever* have been abandoned, it certainly can not be relinquished now.

With the increase of education, the Sunday rest becomes yet more necessary. When the mind has been once aroused to activity, it can not do without some food ; and so the Sunday becomes more and more a day for popular education. Those who go to church demand some mental excitement and instruction from the sermon and the other services. The opening of city libraries, art museums, public gardens, zoölogical gardens, and concerts, is furnishing constantly new sources of education, as well as refreshment, for the laboring classes. The hard-working man, who has no other time for mental improvement, can, least of all, dispense with these opportunities. The rich man can have them every day, the poor man only on the day of rest.

Such recreations as these are themselves an education. What a refreshment to worn-out bodies and minds are the great parks in and near our cities, where hundreds of thousands of people enjoy, on summer Sunday afternoons and evenings, the sight of grass, flowers, statues, sky, and sea ! More of this is wanted, and not less. Who can see the immense throngs of people at Manhattan

Beach, Coney Island, of a hot Sunday—sitting, walking, bathing, listening to music, and dining at tables set on piazzas in the open air—without rejoicing at their having such an opportunity? The writer last summer walked all one Sunday among these crowds, without seeing a drunken man or hearing a violent word. Scenes of drunkenness, debauchery, and riot occur, not usually in the open air and in the midst of multitudes, but in the dark lanes and cellars of a city.

“But we do not want a Continental Sunday,” it is said. I remember that many years ago I passed a Sunday in Zurich, a Protestant city, and attended church early in the morning, in the cathedral of Zwingli, which was filled with a large congregation. In the afternoon I walked to the Uetliberg, and saw thousands of the people going and coming, along the many beautiful promenades which surround the city. Men, women, and children walked together, or sat at tables under the vines, drinking their beer or coffee. But all was peaceful, quiet enjoyment. And I thought, “If this is what is called a Continental Sunday, how much better it is than the gin-shops of London, or the Sunday riots and murders in New York!”

Dr. Guthrie, an eminent Scotch Presbyterian,* says: “We counted on one occasion, in Paris, thirty-three theatres and places of amusement open on the Sabbath-day. Coming home, in one hour we saw in London and Edinburgh, with all her churches, and schools, and piety, more drunkenness than we saw in five long months in guilty Paris.” I also quote from Mr. Garrett’s tract what an English writer, Rev. John Woolley, says of a Sunday in Munich:

“The city of Munich is, as all the world knows and none better than its citizens, unrivaled in its beer. But on Sundays, though the beer-alleys are in the open air, the quiet, as compared with an English holiday, is most striking. The cause is easily given. During the day all the churches are crowded to suffocation; in the evening, from about six to dark, two bands of music play in the pretty ‘English Park,’ which is crowded by promenaders of every degree, from the royal family to the humblest handicraftsman. There are tables and booths around, where coffee and ices may be procured at a low price; and many Munich families take, in this way, their evening meal. Nothing can exceed the picturesque beauty of the scene

* Quoted by William C. Garrett in “The Workingman’s Sunday.”

except its moral beauty. We often sadly contrasted the cheerful, contented faces around us with the haggard, care-worn look of the same classes of our countrymen—often wished that we, too, were taught to worship God with the natural homage of thankful enjoyment. . . . For the upper classes, we are sure that the self-denial, if such it is, of spending some part of this holy day in friendly intercourse with their poorer neighbors will be amply repaid by its influence on themselves and those they seek to benefit.”

Parks and public gardens, and watering-places like Coney Island, near New York, and Revere Beach, near Boston, are excellent for the people in the summer. But how shall they pass the winter days and evenings? They can not be at church all day. Why should there not then be, connected with the churches, public halls, open to all who behave decently, where the working-people can go—men, and women, and children? There might be music, pictures, reading-rooms with newspapers, coffee-rooms, and places for conversation. Suppose that every church in each of our great cities should open such a building—both for Sunday and week-day evenings—would not their usefulness be immeasurably increased?

For the individual, who wishes a rule by which to guide his own action, this is sufficient; whatever rests and refreshes us is right, what weakens and dissipates our powers is wrong. But it is not so easy to decide what should be the universal custom, and still less to say what ought to be allowed or prohibited by law.

Many persons ask, and with apparent reason: “What right has the law to interfere at all? There is no established religion in this country; Church and state are here wholly separate. Why, then, should the state perpetuate the Jewish Sabbath, and forbid men from working, if they like, on Sunday? Why undertake to decide what amusements may be allowed, and what not? Why close theatres, for example? Theatres are permitted on Sunday evening in those countries which have a state religion; why forbid them by law here, where the state professes to have nothing to do with religion?”

The answer to this is, that the state has a right to do, and ought to do, what is believed by the large majority to be for the best good of the community. Every one is taxed to support public schools, because the great majority think them necessary to maintain republican institutions. Yet many persons may find it hard to be taxed for the schools. They have no children; or, they send them to private schools or to church schools—why should they have

to pay for the public schools too? The answer is: In a republic where the majority rule, you must accept what they think necessary for the public good, unless where the Constitution protects you against any excessive exercise of such a power.

The fact that Sunday laws are maintained in all the States of the Union shows that the great majority of the people believe that Sunday should be a day of rest. Without such laws it could not be so preserved. Great corporations, having no souls themselves, would not think it necessary to care either for the souls or bodies of their workmen. The laboring man needs the rest of Sunday more than any one else. Others can rest, if they please, on other days; he can only have a holiday once a week, under the protection of law. Without such law, the greed of money-making would cover the whole year with unbroken, unremitted labor.

The Sunday laws are much the same in all the States, and all forbid both labor and amusement on the Lord's day. In Massachusetts the existing law (last adopted in 1860) forbids opening shops or workshops, doing any work, except of necessity or mercy, being present at any public diversion, taking part in any sport or game, except a concert of sacred music, traveling, unless for necessity or mercy, serving civil process, disturbing public worship, shooting birds, or catching fish. These laws are continually and openly violated, are scarcely known to the people, and very much perplex the courts that are called to adjudicate cases arising under them. Thus Chief-Justice Gray, of Massachusetts, in declaring what technical meaning must be put on the word "travel" in the statute, gave as his opinion that "a person walking with a friend on Sunday evening less than half a mile, with no apparent purpose of going to or stopping at any place but his own home, much less of passing out of the city, and no object of business or pleasure except open air and gentle exercise, is not guilty of traveling or liable to punishment under this act." It would seem that the law should be modified, when a wise and liberal judge is forced to construe it thus strictly.

The great majority of the people of the United States also believe that the public worship of God, public reading of the Scriptures, public instruction in religion and morality, are important aids, at least, in maintaining the welfare of the community. If the churches were closed, the morality of the New Testament no longer taught every week from a hundred thousand pulpits, if on every returning Sunday men were no more reminded of God, duty, and

immortality, a vast influence for virtuous conduct would be taken away. It is on this ground that the state has a right to make laws to protect and encourage the religious worship of all denominations and all religions. Any religion which continually reminds men that they have immortal souls, and that they are responsible to God for their conduct, is an advantage to the community. The sound of a church-bell, the music of an old psalm-tune, awaken associations and memories which make all men better. "As I was walking in my garden at Malmaison," said the first Napoleon, "I heard the distant sound of the church-bell at Rueil, and I stopped, moved involuntarily by old associations. If I, a man like me, am so affected, how much force must such influences have on the mass of mankind!"

If the Church, instead of following blindly its old forms on Sunday, shall consider seriously how to modify, enlarge, and improve its work, then, like its Master, it will be once more "Lord of the Sabbath." The day has now half escaped from its hands; let it hasten to recover its hold. When the community finds that the churches are meaning to furnish the greatest possible amount of education, good influence, and innocent happiness on this day, they will gladly again accept its leadership. Instead of the religious influence of Sunday being diminished, it will be largely increased by such a change. If the Church takes charge of the whole day—devoting the morning to worship and religious teaching, the afternoon to works of charity and instructive lectures, and the evening to social meetings and innocent recreation—then the whole day will be sanctified and become altogether the Lord's day.

Every such attempt to provide innocent recreation for the community on Sunday will be opposed, and honestly opposed, on the ground that it will interfere with church-going. The reply is, first, that there are multitudes who have abandoned church-going—multitudes who never now put their foot into a church. Since these persons will not go to the Church, shall not the Church come to them, offering them innocent recreation in the place of intemperance and its evil consequences? Is it not better for them to read, talk, listen to music, or to a lecture in a pleasantly lighted hall, than drink themselves crazy in a bar-room? The temptations of sin are at every corner—it is not necessary to buy or hire a seat in order to be welcomed into a lighted and cheerful saloon, where drink will seem to drive away care.

But, secondly, we can not fail to see that the churches must

adopt new methods in order to fill the empty seats. The time has passed when every one went to church as a matter of duty, in obedience to a positive divine command. Henceforth they must go because they find themselves happier for going, because they enjoy their church opportunities. They can not any longer be driven to church by obedience to positive divine law ; they must be attracted by love for the Church itself. The Church, then, must be made more attractive, and new methods be found for interesting all classes in its public service. Already, people go to church where they think they get the most good : some, because they enjoy a popular preacher ; some, because they enjoy fine music, noble architecture, solemn ceremonies, and ritual ; some, because it is the only society they have, the only place where they have a part in any social life. The churches of the poor take the place to them of clubs, parties, receptions, and other social entertainments. Besides all this, there is a profound craving in man for worship, for a religious influence. This will never be outgrown. We may confidently rely upon it as sufficient to draw people to church, provided the churches are hospitable, attractive, cheerful, social, and sincerely devout.

Let us plant ourselves firmly and confidently on the principle that Sabbath, Lord's day, church, and religion are made for man—and all are to be so used, so changed and so improved, as to satisfy all his wants. The only rule for keeping Sunday is so to use it as to get the most good out of it. The one test, if we think only of ourselves, of the right and wrong use of the day is, Does it refresh us, soul and body, and leave us better fitted for all our duties ? Whatever does this, is right to be done on Sunday.

Rest and refreshment are the two objects of the day. That amusement is right which rests and refreshes soul and body ; that amusement is wrong which unfits us for the work of the week. This is the difference between recreation and dissipation. One creates our powers anew, the other dissipates and wastes them.

But, while we are seeking what is best for ourselves, we must always bear in mind what is good for others also.

No man lives to himself, nor dies to himself. Pure individualism can not exist unless on Robinson Crusoe's island. No man has a right to withdraw himself from all concern in the interests of his fellow-man. Therefore we should give our influence to those Sunday laws, customs, and institutions which will be best for young and old, rich and poor, wise and ignorant. If we really believe

that happy, quiet, restful Sundays are needed by the people, then, whether we ourselves need them or not we should do what we can to secure them for others. If we believe that Sunday can be made of still greater use to the people than it is now by increasing its methods of furnishing innocent healthful recreation, and by opening the doors of churches, libraries, galleries of art, museums of natural history, reading-rooms, halls for familiar lectures on literary and scientific subjects, and for music, let us all help toward this end each in his own way—considering not only what is good for ourselves, but also what is good for others.

JAMES FREEMAN CLARKE.

SOUTHERN STATESMEN AND THEIR POLICY.

THE boast of the Democracy, in the recent canvass, of "a solid South," seemed to illustrate the madness of those whom the gods have determined to destroy, since it repelled the last cherished hope of a reviving loyalty, and presented for the judgment of the nation the views and aims of the Southern leaders.

Among the subjects connected with the outcome of the rebellion, to which slight justice has yet been done, from which political leaders on both sides have appeared to shrink, and which await the criticism of publicists and the judgment of history, are the degree of wisdom exhibited by the representatives of the North who planned and executed their scheme of reconstruction for the Southern States, with extended powers and slender guarantees ; and next, the policy and methods resorted to by the champions of "the lost cause," to recover the control of their section and ultimately of the republic.

The Convention which framed the American Constitution was called by Jefferson "an assembly of demigods," and Mr. Gladstone has spoken of that Constitution as "the most wonderful work ever struck off at a given time by the brain or purpose of man." It remains to be seen whether other Jeffersons and Gladstones will apostrophize as superhuman the virtue, wisdom, and foresight that presided at Washington over the reconstruction of the South, and commend that work as a masterpiece of statesmanship, wonderful and godlike, to the admiration of the world.

Small reverence has thus far been expressed for it by the Republicans themselves, as their triumphant party gradually fell from the height of power to the valley of humiliation ; as they watched those recently in rebellion against the Government, reconquering loyal States and resuming the control of the Senate and the House ; and as in utter helplessness they saw fraud, intimidation, and vio-

lence spreading over the South—the murder-rate rising to a degree unknown to the rest of Christendom ; Southern citizens who stood by the Government ostracized and punished ; while with a bad faith, at which the world still marvels, the ballot of the freedman, for which the South claimed an increase of electors, was arrested by assassination.

The policy of conciliation and confidence on which the Government based its scheme of reconstruction was at the time pronounced by European statesmen sentimental and dangerous. It was the exaggerated counterpart of that feeble and fatal policy of conciliation and concession into which the nation had been so long deluded by the Slave-power under assurances of its devotion to the Union, until what was deemed a convenient period arrived for its dissolution.

However conciliatory and magnanimous our policy, there were things clearly demanded by the safety and honor of the nation. We might waive indemnity for the past, but we had no right to waive security for the future : security for the Union whites, security for the enfranchised blacks, security for republican government in each State, with public schools for all on a permanent basis, and a fair and equal administration of the law so far as depended on the national Government, in a manner calculated to impress the Southern mind and to encourage loyalty to the national Constitution.

If the reconstruction policy was to be one of conciliation, there was the more reason for its execution in a way to attract to the side of the Government the ablest and most influential of the Southern leaders. Alexander Hamilton said—and the statesmen of his day knew how to reduce maxims to practice—" Our prevailing opinions are ambition, and interest, and it will ever be the duty of a wise government to avail itself of those passions in order to make them subservient to the public good, for these ever induce us to action."

General Longstreet, Mr. ex-Secretary McCrary, Colonel Mosby, and a few other prominent Southrons who can almost be counted on one's fingers, accepted the situation, repudiated what Washington, with prophetic vision, called " the monster," State sovereignty, and accepted in good faith the results of the war and the constitutional amendments.

But the Southern leaders of opinion—men like Mr. Alexander H. Stephens, General Wade Hampton (so recently a prince among the

great slaveholders), General Robert Toombs, Mr. Senator Hill, Senator Vance, Governor Colquitt, of Georgia, Mr. Call, of Florida, Mr. Garland, of Arkansas, and others of equal prominence, seem to have adhered with new energy to their olden views engendered by slavery : and, if they have admitted that the slave is free, they have resisted with their ancient pertinacity his advance to political equality : and they have claimed as proudly as before, the rights, privileges, and prejudices of an aristocratic class. They belong, so the "Charleston Mercury" assures us, to a master-race, and have looked upon Northern Puritans as the Cavaliers looked upon Saxon serfs. Their treatment of the freedmen is disclosed by the official proofs glanced at by Judge Tourgee ; and a Southern paper, the "Meriden Mercury," ventures to prophesy that "the negro in these States will be a slave again, or cease to be. His sole refuge from extinction will be in slavery to the white man." The faith seems to linger among this class of Southern gentlemen that the right to enslave the negro is the most sacred of all liberties.

The Southern leaders who visited the North during the canvass, and spoke at the assemblage presided over by Mr. Belmont, avoided the discussion of these questions, and but little of the Southern policy so frankly developed in the Southern Historical Society, and occasionally by their impulsive orators, could be learned from the speeches of their accomplished spokesmen, Messrs. Bayard, Carroll, Whyte, Hampton, Richardson, Mackay, Waddell, Williams, Hill, and Garland. Mr. Bayard was inclined to treat as a party invention the idea of a solid South, apparently forgetting Democratic boasts like that of Mr. Blackburn, of Kentucky : "Let the radicals cease their brawl about a 'solid South.' She is solid, thank God ; she was solid for Jeff Davis in 1860, and we will be solid for Hancock in 1880." Mr. Carroll alluded to the one hundred and thirty-eight votes solid against the Republican party in a tone which seemed to intimate that they intended to claim these votes as valid, and that they really expected that the Republicans would recognize them as valid, despite the plain rule so clearly stated by General Hancock that "neither force nor fraud must be allowed to subvert the rights of the people," and that unless there is "a full vote, free ballot, and fair count," the foundation is taken away, and the whole structure of republican government falls.

There was no allusion to the well-known fact that, of the States counted in the solid South, South Carolina, Alabama, Louisiana, and Mississippi, with thirty-three votes, had an unquestionable Repub-

lican majority; a fact which recalls the declaration of General Toombs, in the Georgia Convention, which framed the present Constitution of that State, as quoted by the author of the "Fate of Republics":* "They [the freedmen] are to be governed as every race of paupers is governed by those who own the property and give them bread. . . . As his friends tried to govern him by force and fraud, we will control him by force and fraud to prevent his bringing us to ruin."

The efforts of the Southern leaders since the war to recover the control of the republic will supply an instructive chapter for our national history. Whatever may be thought of the judiciousness of their policy or the morality of their methods, those most at variance with them on these points can still admit that their devotion to "the lost cause" has been worthy of a higher and nobler end: and that they have exhibited a steadiness of resolution, a boldness of conception, and an audacity in execution which, if exemplified by sounder aims and purer methods, might well command approval and respect.

Perhaps their ablest leader since the war has been Mr. Alexander H. Stephens, of Georgia, who, in his eloquent protest against secession in 1860, said: ". . . I fear, if we rashly take that step, that instead of becoming gods we shall become demons, and at no distant day commence cutting one another's throats."

His next great effort, known at the South as the "corner-stone speech," was delivered on the 21st of March, 1861; and in February, 1866, Mr. Stephens made a third speech, of which extracts are given in an admirable address at Atlanta, April 2, 1879, of the Hon. J. E. Bryant. Mr. Stephens said: "Secession was tried. That has failed. Our only alternative now is either to give up all hope of constitutional liberty or retrace our steps, and to look for its vindication and maintenance in the forums of reason and justice, instead of on the arena of arms; in the courts and halls of legislation instead of on the field of battle."

In support of this view, Mr. Stephens found encouraging example and hope in the history of the mother-country.

His idea that the cause lost on the battle-field should be prosecuted with faith and perseverance in politics was promptly accepted; and in 1868 General Wade Hampton was reported as having said to the alumni of Washington College, Virginia, in allusion

* Boston: Estes & Lauriat, 1880, p. 232.

to their "martyred dead," "The cause for which Jackson and Stuart fell can not be in vain, but will in some form revive."

In 1873 the Southern Historical Society was founded at Montgomery, by the representation of twelve States, not simply to secure materials for a history of the war, but to exert "a moral influence through the whole South; . . . to repel the insidious advances of those vicious principles which are now so fearfully undermining the civilization of the North." Mr. Jefferson Davis was present, and it is said was received "as President Davis, with all the honors due to the President of the United States."

In October, 1873, General Wade Hampton addressed the Southern Historical Society in the Senate-chamber at Richmond, and said: "Now, when that country is prostrate in the dust, weeping for her dead who have died in vain to save her liberties, every patriotic impulse should urge her surviving children to vindicate the great principles for which she fought."

In their behalf he drew an augury of their future success from an historic parallel, drawn from Continental Europe, in which the South was likened to Prussia and the North to France. When Napoleon, in the campaign of Jena, had struck down the whole military strength of Prussia, no hope was left but in the unconquered and unconquerable patriotism of her sons. But a few years passed before her troops turned the scale of victory at Waterloo, and the Treaty of Paris atoned in part for that of Tilsit. The orator next pictured Prussia as educating her children to be good citizens in time of peace and formidable soldiers in war, with the awakened spirit of the Fatherland for half a century, until she met her old antagonist, and the extorted contributions had been repaid, and shameful defeats wiped out by glorious victories.

A little later, on the 1st of July, 1875, General John S. Preston, of South Carolina, addressed the alumni of the University of Virginia on their fiftieth year, and he referred to the difference between "the turbulent fanatic of Plymouth Rock and the God-fearing Christian of Jamestown" as lying at the basis of the present antagonism of the North and South, as forbidding for ever the bonds of brotherhood, and as verifying anew the irreversible maxim of the Greek philosopher: "You may combine for the pursuit of trade, or form alliances for defense, but Corinth and Megara can never be one state; they are two peoples."

With reference to the war, General Preston said: "Let your historian . . . say, 'We were not subdued when Lee surrendered

his starvelings at Appomattox''; and, according to the reporter, "Southern enthusiasm was aroused to the highest altitudes, and General Preston's appeal to Southern patriotism fell on susceptible minds and touched the hearts of those who were familiar with the memories of the past."

Governor Colquitt, of Georgia, in the dedication of a monument to the Confederate heroes, spoke of "*those liberties which even now their surviving comrades do in our country's capitol maintain inviolate.*"

To learn what are these principles and liberties, for which their heroes died, and which the Southern wing of the Democracy are preserving inviolate at Washington, we may read backward the annals of the South, and find them developed in its policy, until we come to their expression by the great leader and oracle of the South, Mr. Calhoun, soon after he had left the halls of Yale for those of Congress.

Mr. Rhett said, in the secession convention of South Carolina in 1860, that it was not the event of a day, but had been gathering head for thirty years, and he added, "Have the labors of Calhoun been forgotten, when he declared a few years ago for the secession of South Carolina, and that secession would be the consummation of their liberties?"

The allusion of Mr. Rhett carries the Southern policy of Mr. Calhoun to 1832; but the late Commodore Charles Stewart recorded a conversation which he had with Mr. Calhoun in 1812, when the latter thus defined what he called the sectional policy of the South. He said to Captain Stewart: "I admit your conclusions in respect to us Southerners. That we are essentially aristocratic I can not deny, but we can and do yield much to Democracy. This is our sectional policy; we are from necessity thrown upon and solemnly wedded to that party (however it may occasionally clash with our feelings) for the conservation of our interests. It is through our affiliation with that party in the Middle and Western States that we hold power; but when we cease thus to control this nation through a disjointed Democracy, or any material obstacle in that party which shall tend to throw us out of that rule and control, we shall then resort to the dissolution of the Union."

It would be difficult to improve upon the clearness and simplicity of this brief statement in which Mr. Calhoun, nearly seventy years ago, developed the policy of the party which, a half century later, organized secession and warred upon the Government: and which,

after a conquest that was deemed complete, again presented itself as the "solid South," with a Congressional and electoral representation nearly twice as large as that of any equal voting population in the old free States. Here we may learn something of the eternal principles and liberties for which their departed heroes fought, and which their surviving heroes maintain at Washington and teach to their children. Mr. Calhoun's exposition of their sectional policy is also interesting as accurately describing the rôle allotted to the Northern Democracy, as the party through which they proposed to govern the republic, however much such an alliance might clash with their feelings. In after-years they sometimes called their useful but displeasing allies their "white slaves" and Northern "doughfaces"; and the submissiveness with which the Northern Democracy performed their part, despite the sneers of Southern statesmen like Randolph of Roanoke, and Stanley, of North Carolina, may have been regarded by the slaveholders as justifying their moderate estimate of Northern patriotism, manliness, and pride.

The task imposed by them on the Northern Democracy was the more irksome, from the fact that the South wished to control the Union in the interest of the Southern section, the narrow scope of whose peculiar interests was opposed to the wider and more varied industries of the free States. The provision, for instance, in the Confederate Constitution that no duties or taxes on importations from foreign nations "be laid to promote or foster any branch of industry," indicated a sectional policy on the part of the planter-class at variance with the broader policy of judiciously cherishing the great industries of the nation. Despite regrettable defects in the present tariff, demanding prompt and wise revision—especially where they may interfere with the restoration of our carrying-trade, which it is little to our credit has never been reëstablished since the Southern Alabamas swept it from the seas—despite all defects in our system for encouraging American genius, and protecting from competition American industries, it has developed, as even its English opponents are compelled to admit, in an unparalleled degree the wealth, prosperity, and independence of the republic. The country has not now to learn the injurious effect upon the manufacturing States of a sudden and ill-judged reduction in the tariff, as in 1846; and Mr. Clay once said that one object of the abandonment of the protective policy was the conciliation of the nullifiers.

Although manufactures have since made some progress at the

South, a Mississippi journal, "The States," in recently announcing its platform as "State rights, including secession as an incident, and the repeal of the fourteenth and fifteenth amendments," added—and the phrase has a world of significance in the memories which it recalls—"the restoration of the planters' republic of our fathers."

But wider far than the planter interest of the South and the gigantic industries of the republic is the difference between the ideas and principles and habits begotten by slavery and those which are the hardy growth of freedom ; and a careful study of the Calhoun policy as exhibited from the Missouri Compromise to the late election, noting the aims and methods of the Southern leaders and the action of the Northern Democracy, will throw light upon the great problem which thus far Republican Administrations have failed to solve, but of which the country expects a satisfactory and permanent solution from President Garfield.

Regarding the reconstruction scheme with negro suffrage as an offense to their pride, and at the same time as a masterpiece of Republican blundering which they could easily turn to their advantage, the Southern leaders have looked upon the apparent acquiescence of the Government and the country in their defiance of the constitutional amendments, and in their treatment of Union citizens and freedmen voters whom the nation, remembering that *noblesse oblige*, could not honorably abandon to their fate, as presenting a picture of national humiliation before the world, exceeding in degree each tame surrender by the North in our history before the war, of its ancestral principles and traditions, and of its constitutional rights of freedom of speech, freedom of the press, and the right of petition.

In their recent temper, while deluded, as often before, by their Northern allies into hopes of victory that were doomed to disappointment, even kindly acts of social courtesy on the part of the North they looked upon as signs of weakness, to be met with silent contempt or open defiance.

When, on General Grant's arrival at Chicago in November last, it was deemed fitting to send friendly messages to the prominent men of the South, Mr. Wade Hampton declined to answer, and Mr. Toombs wrote: "I decline to answer, except to present my personal congratulations to General Grant on his safe arrival in the country. He fought for his country honorably, and won ; I fought for mine, and lost. DEATH TO THE UNION ! Robert Toombs."

A great Southerner of the last century, William Pinkney, of

Maryland, in a famous speech before the House of Delegates in 1789, speaking of the dangerous consequences of the system of bondage, said : "To me, sir, nothing for which I have not the evidence of my senses is more clear than that it will one day destroy that reverence for liberty which is the vital principle of a republic. While a majority of your citizens are accustomed to rule with the authority of despots within particular limits, while your youth are reared in the habit of thinking that the great rights of human nature are not so sacred but that they may with innocence be trampled on, can it be expected that the public mind should glow with that generous ardor in the cause of freedom which can alone save a government like ours from the lurking demon of usurpation ? "

Ninety-one years have passed, with their successive generations, since the far-sighted Marylander spoke these words of truth and soberness ; and, with nearly a century of blunders behind us, the new Administration should, without further illusion or mistake, backed as it will be by a powerful constituency and an overwhelming public opinion, disable, if they can not utterly destroy, the "monster," State sovereignty, and fulfill the sacred duty imposed by the Constitution, to "guarantee to every State in the Union a republican form of government," with the equal enjoyment by all of the rights secured by the constitutional amendments.

The election of Republican Congressmen from Tennessee, Missouri, Virginia, North Carolina, Louisiana, West Virginia, and Kentucky, will give loyal Southrons fitting spokesmen at Washington. Under a wise, firm, and just Administration, free alike from sentimentality and corruption, a Union party should soon arise in each State, embracing many of the dominant faction who are tired of a lead marked by immoral methods which has led only to defeat, and who in defiance of threat and proscription await only national protection for a new departure in the direction of free speech and fair counts, of education, credit, and success. The *Augusta* (Georgia) "Chronicle" says not too reverently of the South in the Presidential election, "She has for the last time been led as a lamb to the slaughter." The abandonment by the Democracy of its distinctive principles, even to free trade, has induced the *Memphis* "Appeal" to remark that "the solid South stands almost alone for the Democratic principles."

The resort to calumny, which culminated toward the close in forgery, and the attempt to gag the press, and especially the "Herald," in its criticism on the introduction into our city politics of

ecclesiastical dictation, induced the "Evening Post" to say that "the miscreants have descended to the lowest depths of infamy."

It is clear that the Democracy do not take kindly to the priestly domination of which Mr. Kelly has shown himself the fearless and energetic administrator. It may perhaps be natural to those educated in Roman Catholic schools, and whom even Dr. Orestes A. Brownson, the great champion of the Papacy, describes as "misplaced and mistimed in this world as if born and educated for a world that has ceased to exist," to believe that in our republic all rightful power comes not from the people of America but from the Pope of Rome; that the state has no rights excepting as the Pope may approve; and that the Pope alone has the right to educate our children and to teach them that their first allegiance is to himself. But Americans born, educated in American schools, including thousands of liberal Roman Catholics, reject such doctrines as untrue and un-American, and cling the more closely to our common-school system with its broad elements of intellectual power, its habits of inquiry and free thought, and its unsectarian Christian morals, as the great safeguard of the people against ignorance, superstition, and that foreign influence of which Washington entreated them to beware. Rome contemplates its elevating and enlightening power, and feels that our public schools must be abolished or manipulated before she can here exercise her supremacy, which, as defined by the "Catholic World" (July, 1870), includes not only education, but "the censorship of ideas, and the right to examine and approve or disapprove all books, publications, writings, and utterances intended for public instruction, enlightenment, or entertainment, and the supervision of places of amusement."

If our boys are educated in our public schools as American citizens, how can they believe, as the "Catholic World" teaches, that "as citizens, electors, and public officers, we should always and under all circumstances act simply as Catholics"? How could the Roman priests, who, as Governor Lucius Robinson intimated, stimulated the Roman Catholic voters by whom last year the New York Democracy was divided and the Governor defeated, expect to guide the whole Democratic party, and secure for the Sovereign Pontiff the political control of the republic in the manner described by the "Catholic World," when it says, "The means placed at their disposal for securing this rich possession are not the sword or wars of extermination waged against the enemies of their religion, but in-

stead the mild and peaceful influence of the ballot, directed by instructed Catholic conscience and enlightened Catholic intelligence"?

The uprising of the masses, Democratic and Republican, at this new intermeddling with our politics by the Jesuit order, which with olden skill and audacity is now assailing in turn the American state and our political and religious freedom, was such as to impress the country with the depth of the indignation which the movement had aroused, and which influential Democrats like ex-Mayor Wickham and Mr. Talcott were among the first to express; and the fact that the vote for Mr. Grace fell nearly forty thousand below the vote for General Hancock is one that indicates that a Democratic faction which consents to be led by Rome in its crusade against American institutions can no longer count on loyal Americans for support.

A significant remark by a prominent Southerner some weeks ago, that "Garfield would be elected, but that Hancock would be counted in," was recalled by vague suggestions of violence and civil war as the election approached, and which are now supplemented by threats that the Houses of Congress, both temporarily Democratic, will reject the vote of New York on some pretense of fraud, not yet discovered, and declare Hancock duly elected.

In the present temper of the country, both at the North and the South, in regard to the immorality of the Democratic canvass, it is not clear what the Democracy of either section would expect to gain by attempting to interrupt the prosperity of both sections by inaugurating war upon such an issue. Nor is it easy to see, despite occasional intimations of its coming, how such an interruption at this time would benefit the clerical friends of Mr. Kelly. The "Catholic Herald" of May 24, 1879, is quoted as saying: "It is our belief that a most dreadful combat, a most awful conflict between the powers of good and evil, is in the near future, and that the fate of the republic depends upon the result." General Grant, on the other hand, predicts that, if we are to have another contest in the near future, "the dividing line will not be Mason and Dixon's, but it will be between patriotism and intelligence on one side and superstition, ambition, and ignorance on the other."

Whatever may await us, all true Americans, whatever their party, creed, or section, will assist to maintain the national peace, honor, and prosperity. To all Republicans of intelligence and culture it belongs to let the incoming Administration of Mr. Garfield feel that in maintaining the republic in its dignity and strength,

keeping free from suspicion its civil service, and doing that exact and equal justice which will tend to restore our national harmony, and encourage the rise of Southern statesmen with a national policy, the President and his officers can depend upon a constant, earnest, and watchful support by the virtue, intelligence and culture of the republic.

JOHN JAY.

THE RUINS OF CENTRAL AMERICA.

PART IV.

OUR next field of labor was Tula, the ancient metropolis of the Toltecs, now a village of fifteen hundred inhabitants, situate about sixty-five miles to the north of the city of Mexico. We traveled by rail to Huehuetoca, and thence by diligence over execrable roads to our destination, some twenty-five miles from the latter place. I will here briefly recount the history of Tula as written by Clavigero, the only one of the Spanish historians of Mexico who possessed the critical faculty.

The Toltecs came from the north, bringing Asiatic traditions, and settled first at Tollantzinco, there tarrying only twenty years, and then definitively establishing themselves at Tollan or Tula, in the year 667. The Toltec empire lasted three hundred and eighty-four years, or till 1051. Here we are, therefore, in the capital of the most famous nation of Anahuac. A gentle race were the Toltecs, preferring the arts to war, and the nations that came later owed to them the culture of cotton, of maize, and of the different fruits grown on the high plateaus ; from them they learned the art of metallurgy and of cutting precious stones. Wherever we go we find memorials of them : to them is attributed the construction of the pyramids of Teotihuacan and of Cholula.

This interesting civilization perished as though by an earthquake : a series of calamities effaced the work of almost four centuries. First came a drought of several years' duration ; this was followed by a famine, and then came pestilence. A feeble remnant of the population only survived, and with these the chief Quetzalcoatl resolved to go in search of some more hospitable region. Leaving Cholula they journeyed southward along the shore of the Gulf and the coast of the Pacific, and settled in Yucatan, where we shall find them later.

What now remains to indicate the site of their ancient capital, Tula? A hill about one mile long by half a mile broad, covered with mounds, plateaus, and ruins of all kinds.

Some of the inhabitants of Tula have made collections of the antiquities of the place. Among these I would particularize a carved pearl shell representing a Toltec chief seated. This figure exactly corresponds with one of the figures of warriors among the bas-reliefs of Chichen-Itza, as reproduced by Stephens.

On the face of a rock just south of Tula are sculptured two figures of warriors which, in their head-gear, their ornaments, and their attitude, are identical with the warriors of Chichen-Itza. A stone ring to be seen in one of the streets is carved precisely like the ring at Chichen. In the plaza is the shaft of a column in two pieces, which were held together by tenon and mortice. The column was sculptured and covered with curved lines and palms. There are also in the plaza three caryatides of very hard basalt, each two metres eighteen centimetres in height. The upper half of these figures is wanting. Though rudely executed, they are not without artistic merit.

We began our excavations here on the 16th of August with a force of four men and two boys. The results of each successive day's work I will state as they are recorded in my journal.

On the first day the objects of use or ornament found by us were not of much importance, and none of them were perfect. Nevertheless, I consider myself singularly fortunate in having discovered a Toltec house answering to the description given to us by Torquemada in his account of Teotihuacan. As yet I can affirm nothing; still, from the remains brought to light, I can conjecture what kind of habitation it must have been. I set the men to work at one of the many mounds upon the ridge, and soon found that I had hit upon a group of habitations; further, as luck would have it, the progress of the work brought us to the portal of the habitation.

When writing about Teotihuacan I said that all the dwellings of the upper class of the population were united together in groups, and erected in isolated mounds, one in the middle, the others round about, the whole forming a sort of honeycomb with its cells placed at different elevations. Well, the Toltec habitation here at Tula was organized in the same way.

I am not in the least surprised at the fewness of the objects found, for it must be remembered that the Toltecs did not quit their country at the close of a war, or after a conquest, but in conse-

quence of a long series of misfortunes, and that they had time for collecting their portable goods—arms, utensils, ornaments. They left behind them only such of their goods as they could not carry away—their stone idols and the remains of their ancestors. It was an emigration in the strict sense of the term, and hence we find nothing of value, no objects that were in daily use, except fragments.

But we have seen the Indian in his inner life through the relics found at Tenenepanco and at Apatlatepiconco; we are now studying him in his dwellings: we shall complete our study by viewing his public life, into which we shall be initiated by an examination of his temples and his palaces. In short, we shall pass from the phalanstery to the citadel and the temple.

Among the objects found are thick red bricks of coarse clay; this is all the more curious because hitherto we have nowhere seen baked bricks employed. The outside of every wall is of stones of every kind—*tetzontli*, bowlders, fragments of basalt mixed with clay, with casings of different sorts, some of stone cut in the shape of bricks, the whole covered with a thick layer of lime or white stucco. The floor is covered with cement two inches in thickness, very hard, and painted red. In sundry places where we have dug we have found this layer of cement, which the builders employed not only for the floor of the houses and the pavements of the courts, but also for the streets of their cities and the highways. All this reminds us of Teotihuacan, and of the great road leading from Tihoo to Cozumel at the time of the conquest.

We find also great masses of baked clay, the original form of which it is difficult to conjecture. But the most singular thing found is some charcoal incased in baked clay. What could have been the use for this we are at a loss to determine.

August 17th.—I have found out the use of the bricks. These bricks, which are very hard, are from ten to twelve inches long by from five to five and a half inches wide and one to two inches in thickness. They were used for the steps of the stairways, and were there covered with a coat of cement; they were also used in the pilasters, of which we have discovered three, and in some walls.

Usually each people, according to its origin, build of bricks, of stones, or of wood; of clay mixed with stones; or of sun-dried bricks. But here at Tula we are face to face with an eclectic people, and this is not the least interesting circumstance connected with them. To judge from the great dwelling, or group of dwell-

ings, now being explored, the Toltecs employed all these materials simultaneously. They used clay and mud for the inside of the walls ; cement to coat them, cement also for their roads and for their floors ; dressed stone and brick for casings ; brick and stone for stairways ; brick for pilasters ; and wood for roofing the edifice. I find every reason for inferring that the houses had flat roofs consisting of timbers coated with cement. Of such timbers we find vast quantities. The Toltec roof was the *azotea* of the present day. Hence the builders of Tula differed in many points from the people of Palenque and of Yucatan, who built entirely of stone and mortar. But that does not in the least go to prove that the civilization of the more southern peoples was not derived from the more northern. We have had ten men at work to-day ; to-morrow we shall have fifteen, and thereafter twenty.

August 18th. — So far we have discovered twelve chambers. Among the objects found to-day are two fragments of cut stone, one representing an animal, the other being an architectural ornament that is very common in Yucatan ; then, there are several pieces of baked clay, ranging from the coarsest sort of brick to the finest glazed pottery. Among these fragments are some which must have belonged to enormous vases.

As I have said, the Toltecs were eclectic. Not only did they employ all sorts of materials in their buildings—clay, stone, bricks, and timber—they were eclectic also in their architecture, which as yet is quite incomprehensible to me. The apartments that have been brought to light comprise a number of chambers, big and little, placed at different heights. We shall have no clear idea of the relation of these different chambers to one another, or of the mode of access to them through the labyrinthine passages and the numerous stairways, until the whole edifice has been unearthed.

There is a very wide difference indeed between the arrangement of the chambers and the whole architecture here and the simple architecture of the palaces and other edifices of Yucatan. But the ornamentation is in many instances the same in both ; as for the facial types, the vesture, and the head-gear of the warriors, they are absolutely identical ; and the difference of race will account for any dissimilarities.

Among our finds I must not fail to mention sundry fragments of the casing of the inner walls, all covered with figures, either in white or in red on a black ground. I have had them photographed ; they show great variety of composition. We collected a few orna-



IDOLS FOUND AT SAN JUAN DE TEOTIHUACAN.

ments, also some animal remains, viz., some ribs (probably of the roebuck, though on this point I will not be positive, not being a zoologist), some small scapulas, two teeth, and, stranger still, two enormous humeruses, much larger than the humerus of the ox; both of these bones are broken longitudinally, as though to take out the marrow. We found also the radius of an animal considerably larger than a horse. Whence these bones? It is generally agreed that previous to the conquest there were neither oxen nor horses in America.

August 19th.—A good deal of work to-day, with poor results. We have now twenty men, and in a day or two we shall have completed our researches at this spot. I can not yet comprehend the architecture of our friends the Toltecs. I am fairly puzzled; it may be that this habitation is the most complicated of them all. Our finds comprise only bones of the same species as those found yesterday. In going about among the ruins I came across two stones, one of them cut in the form of a vase with a cross on one side; the other flat, with a double cross (†), and certain ornamental figures. I also found a small cross of terra-cotta.

August 20th.—Work still goes on at the Toltec house. Our finds comprise some curious fragments—a mold, a stamp, a flint ornament, and a number of obsidian arrow-heads and knives. I am beginning to understand the distribution of the apartments in this building. We shall eventually comprehend the entire plan. I detailed a party of five men to dig at the site of a small temple or oratorio, but no result has yet been obtained.

In another edifice there were found some bones, among them a gigantic tibia of a ruminant, with the perinæum attached. Could this animal have been a bison?

August 21st.—To-day I set a force of laborers at work on a small mound supposed to contain an oratorio. But we found only a very plain platter and several pieces of cut stone. It seems evident that, tradition to the contrary notwithstanding, the buildings must have been overturned, for not a wall of the oratorio was standing.

While watching my men, I measured the pyramids. The first measures nearly one hundred and ninety-six feet on each front at the base, and it is forty-six feet in height above the esplanade on which it stands. The second, which lies north of the first, is only one hundred and thirty-one feet wide and thirty-six feet high above the esplanade.

We found again to-day bones of large ruminants—a radius thirteen inches long and 3·7 inches in diameter, and teeth from 1·5 to 1·8 inch in length. Here are the remains of unknown animals, probably of mammoth bisons, domesticated by the Toltecs, at least used by them for food. This is in contradiction of history, which affirms that the Indians had no large domestic animals. Now, would a people, after once domesticating an animal, suffer the race to die out?

But the most remarkable find of all is certain pieces of coarse delf with a blue figure on white ground, and again, pieces of fine porcelain with the same figure and the same ground. Here is a discovery that revolutionizes our notions of ancient America. No one had ever before heard of delf or of porcelain existing among the Indians of America. Did the Toltecs manufacture such wares? Or were these relics brought by them from their original home in Asia?

At another point where I had four men at work we found the remains of a human body, but the skull alone was in a condition to be added to my collection.

August 23d.—To-day we made a cast of a great bas-relief sculptured on the face of a rock near the village. I expect to complete the excavations to-morrow; we will then sketch the plan, and will endeavor to explain all the details.

August 24th.—We are continually meeting with enigmas amid these ruins. To-day I discovered a sheep's head in terra-cotta! I also found the other extremity of the mammoth humerus before mentioned, and several other bones which I could not identify.

In writing of Teotihuacan I mentioned my having found, among certain little masks of terra-cotta, figures of negroes, of Chinese, and of Japanese. I also spoke of a figure resembling the Venus of Milo; and now I find at Tula a *mold*, of which I have made a cast in stearine, which shows a European figure with the hair arranged in modern style and crowned with a braid of false hair! In some of the private collections here I have noticed all sorts of types, and I have some myself which are simply extraordinary.

August 25th.—We sometimes go far abroad in search of an explanation that stares us in the face at home. I have just met in the plaza the perfect type of the head with braided hair which yesterday I compared with the European type. Indeed, we find all types blended in Mexico. I have often seen Indians of pure blood with blue eyes.

Another find of some importance made to-day is one of the three feet of a cup (*molcazete*), covered with the remains of its enamel. It belongs to the same class as the cups found at Tenenepanco, of which I have spoken so enthusiastically. The blue, black, green, and yellow painted on the pottery still remain, after being buried for a thousand years.

The excavations at the site of the oratorio have yielded no results of any moment, and will cease to-morrow. We will then begin to dig at the site of a temple. The rains interfere seriously with our labors.

On coming from their work, my men brought me the neck of a *glass vase*! It is iridized like all glass that has been buried for a long time in the ground. On this subject I make no comments, yet I will add that nations are like individuals: they always esteem themselves to be more highly civilized than their predecessors. The Chinese, the Hindoos, the Egyptians, have left to us evidences of their genius; they understood the making of glass and of porcelain, and many other arts before we did, and to me, it is no matter of surprise that an intelligent population such as the Toltecs should have been able to erect monuments, to cut stone, to make porcelain, to invent enamel, and to manufacture glass.

Before we have done with the ruins of the Toltec habitation, we must consider briefly the question, Whence came the objects found therein? Did they come from the inhabitants themselves, or do they belong to a later date?

In a well-ordered house, such as the great house in question must have been, the inmates would never allow the bones of the animals used for food to remain in the apartments; neither would they allow the fragments of pottery or the waste of the kitchen to accumulate. The poorest and the filthiest among the Indians throw their garbage outside of their huts, and of course the lordly proprietors of a palace could not do less. Hence the refuse found in these ruined apartments belonged to other populations, or else it was the accumulation of the last few days of the unfortunate inmates before they took their departure.

August 26th.—The day was spent in clearing the ground at the site of the temple, cutting down the trees.

August 27th, 28th.—I was in error in supposing this mound to be a pyramid, and that its purpose was to support a temple. On the first day of excavation here we brought to light four chambers, and I now find myself in presence of a Toltec habitation more im-

portant than the first one. I call this dwelling a palace, because it is much larger than the other one, stands on a pyramid, and has two wings inclosing a courtyard. The walls are thicker than those of the first habitation, and more strongly built. The apartments, too, are larger, though arranged in similar fashion. As in the other, we found here fragments of porcelain and of delf and glazed terra-cotta. The delf is plainly of Indian manufacture. Six other rooms were cleared of *débris* on the second day.

September 5th.—I have just returned from the city of Mexico, whither I went to defend an action at law brought against me by the owner of the ground on which the excavations were going forward. The difference was adjusted amicably. On my return I found the work well advanced, yet not so near completion as I expected. The building is very large, and about one half of it still remains to be uncovered. I have now thirty-five men at work. The objects found are comparatively few—broken pottery, carvings broken and worn, and *three pieces of cut stone forming an arch*. The arch is small, and would appear to have stood over a doorway. I found a piece of delf brilliantly colored in blue, yellow, green, etc.

We have cleared thirty apartments of various dimensions. I am beginning to think that the corridors were not roofed, but that they served to light this labyrinth of chambers.

September 6th, 7th.—We have discovered a spiral stairway leading from the lower apartments to the upper ones. This stairway is of cut stone, and is well preserved.

September 8th.—Five men were added to-day to the force at work, making the number now employed forty. There is an enormous amount of work done and yet to be done, and the plan of this dwelling, which I will draw when the excavation is completed, will show what a magnificent edifice I have discovered. The fame of our discoveries has gone out, and we are overrun with visitors, each one desirous of taking away some memento. I am compelled to be very stern in my dealings with these people.

September 9th.—Still the same objects found—broken idols, fragments of delf, a stamp, and a piece of terra-cotta, with ornaments that are strictly Indian in character.

As I said in the note prefixed to the first of this series of papers, they are simply the impression of each day—an impression that is subject to modification at any moment by some new “find.” Now to-day, though I am no zoölogist, I can not but recognize, among the many bones found in the progress of the work, jawbones of

swine, sheep, and, as I believe, of oxen and horses. Add to these pieces of plates of coarse delf—that can only have come from the Spaniards—and the inference is unavoidable that the latter inhabited the ruins of Tula in the early days of the conquest, and that they have left us, mixed with Indian mementos, the tokens of their presence here.

This in no wise lessens the interest attaching to these ruins, only we have to distinguish between the relics, and to render to each that which to each belongs.

In any event, the work we have done is an important one. The palace we have unearthed covers a surface of one hundred and sixty-five square feet, and we have had to excavate and carry to a considerable distance three or four thousand cubic yards of soil.

One thing that leads me to think that these edifices have been inhabited by others besides their builders is the fact that, on examining them closely, we discover modifications of the original plan—here a passage blocked, there an annex that seems to be at variance with the whole plan of the building.

The palace included at least forty-three apartments, large and small. In a few days I will draw the plan, and give the heights of the walls. It will be seen that these buildings at Tula are totally different from any before known.

On my return to the city of Mexico, Señor del Cartillo, Professor of Zoölogy in the School of Mines, on examining the bones of animals found at Tula, pronounced them to be the remains of *Bos Americanus*, horse, Andes sheep, llama, stag, etc., and *fossil*! If his judgment is confirmed by that of the *savants* of Paris and the Smithsonian Institution, a new horizon is opened for the history of man in America. My victory will then be complete, as I shall have brought to light a new people, and a city unique in its originality, and shall have opened to the learned a new branch of natural history. Surely this were enough to satisfy the most ambitious investigator.

DÉSIRÉ CHARNAY.

THE DISTRIBUTION OF TIME.

FROM time to time during the last twenty years there have appeared articles in the public prints which indicated an awakening and growing interest in the practicability of having wide sections of our country transact its business and govern its social duties by a common time. Within the last few years official reports from various observatories, departments of the Government, scientific societies, and the telegraph companies, have shown so considerable a progress in the introduction of uniform systems of time, and these systems have been so cordially received by the communities interested, that there can be no doubt that the country is ready to be divided into a few great sections, each of which shall be governed by its own standard, which shall bear some simple relation to the standards governing the neighboring sections.

The principal systems now in operation comprise the United States Naval Observatory system, which extends its distribution of Washington time to Chicago and the West ; the Harvard and Yale systems, which distribute, respectively, Boston and New York time over New England ; the Alleghany Observatory system, which is concerned chiefly with the Pennsylvania Railroad ; and the more local services emanating from the observatories at Albany, Chicago, Cincinnati, and St. Louis. Unfortunately, except in New England, the distribution of the time of an observatory has not always resulted in the adoption of that time for general use, and it is often the case that the local jewelers who are the guardians of town-clocks, and local time as well, will convert the time received by telegraph into their own local time, and thus make it inconveniently different from the time in use in any other city of their region.

A railroad may or may not secure the adoption of its own time in the cities along its route. It is generally a question as to which is the most important, the railroad or the town. But certain it is that there is not an important railroad in the country, outside of New

England, along which the commercial traveler may go without having to compute the discrepancy between his watch and the time kept by the business men at one half the stopping-places. Thus it happens that, even where cities are closely connected by large railroads, the people have been dictated to by their jewelers regarding their standard of time, when a little reflection shows that there is only a very questionable advantage arising from having a local time simply because the jewelers of the city insist on a time which shall appeal to the local pride of their customers.

On the other hand, the disadvantage of having the factory operatives begin work on railroad time and stop on local time, because they gain ten minutes a day by that sharp practice ; the jostle and inconvenience in the commercial interchange between two neighboring cities, because the stock-exchanges, business offices and the banks, close with a difference of ten minutes ; the thousand engagements broken by the discrepancies of time—all indicate the need of the adoption of such a common time as already exists in the European countries.

The writer has always felt that the railroads ought to be the most influential means in securing uniformity. They can be successfully appealed to for the financial support which any accurate system demands, because they have a direct and strong interest in the use of the same time at every office and by every employee of their roads. The superintendents, too, with whom the decision of such matters generally rests, are keenly alive to anything which lessens the risk of accident, and they at once appreciate the advantage of having the clocks of intersecting roads, and of the towns through which their roads pass, all indicate the same time. The control of a telegraph wire for railroad business gives them the means of transmitting time-signals, and in New England it is the railroads which have virtually caused the all but universal acceptance of the Boston and New York standards referred to. Outside of New England there has been scarcely any concert of action among the railroads, and there are about seventy different standards of time in use. The result of the experiment in New England fairly justifies the belief that, were the railroads in the rest of the United States approached on this question, they would combine to adopt the standards of time now used by a few of the great centers of population. Thus, while it was found quite impossible to unite the New England roads upon Boston time, and while it would have been equally impossible to cause the Boston roads to run on New York time, it has proved

highly satisfactory to allow the current of travel, which always drifts toward the nearest center of population, to decide the matter. To bring into use in a large section of the country two standards, where before there has been a dozen, is the first step toward uniting the two into one ; and, in the writer's opinion, it is only by a gradual amalgamation of different local times that the final adoption of a few standards for the whole country can be effected. As a rule, railway corporations are more intelligent on this subject than the town councils which are elected by popular suffrage. They are also urged to encourage uniform time by their own interests. They are under the direct influence of State legislation, and the agreement of a number of railroads can be made to influence the communities of the regions traversed to use the railroad standard. Whether the pressure of State legislation ought to be used is an open question. It has been the writer's experience that the railroads are quite willing to do their part without recourse to any such means ; and with the average railroad official the fact that a service is to be enforced by legislation prejudices him against it.

The difficulties in the way of introducing a new standard would still further be reduced if the observatories universally took care to distribute a time which should be as accurate as human art could make it, and use only such simple means of rendering it available as could allow of no vitiation of the message over the time-telegraph wires. By so doing the observatories would, so to speak, have a monopoly of the best article in the market, for no private jewelers could hope to furnish the local time with the precision obtained in a first-class observatory, where every means is taken to insure accuracy. There is, however, little use in trying to supplant a local time which is furnished by a respectable jeweler who takes good care of a good clock, and who has acquired the art of determining his time carefully, if the new system of signals is not to be relied upon within a single second. Unfortunately, the example set the time-services of the country, by that under the direction of the Naval Observatory at Washington, is not of the best ; and, until it is realized by the proper officers that a division of responsibility in the charge of delivering time-messages results in the inaccuracy of the service to the public, the services organized under the control of universities will occupy the first place for accuracy.

The best, because the most unmistakable in its indications, of the means yet proposed for the distribution of a public time consists in the ordinary telegraph receiving-instrument, which is brought

into circuit with the observatory clock at stated intervals. The clock then automatically beats in such a manner as to indicate the beginning of the minute, or of the five minutes, which have been agreed upon for the reception of the time by telegraph.

Experience has shown that the average railroad employee or telegraph operator very quickly apprehends this method of transmission, and, since the clock effects the distribution automatically, if the signals are received at all they must be exact. The very tempting method of propelling the hands of clocks by electricity has never been successfully applied over extended areas; and the nearest approach to an accurate service from a distant observatory takes place when the pendulum of the clock at a distance from the observatory is moving in sympathy with the observatory clock, through the action of induced electrical currents. A very good example of this kind may be seen in the Treasury clock, at Washington, where one of the Observatory clocks controls it, beat by beat, through the intervention of a mile of telegraph-wire. In this system, which is commonly known as Jones's system, the interruption of the telegraphic circuit, by storms or otherwise, does not cause the controlled clock to stop, as in the systems above referred to; but one can never be sure, when the current is restored, that the controlled clock will not have deviated during the stoppage of its control; and this method has not proved successful where high accuracy is demanded, or the telegraph lines are liable to such interruptions as are common in our climate. This method, however, has found considerable favor in England, and the writer had little difficulty in using a clock, so controlled, at the end of a well-protected wire four miles distant from the Observatory of Harvard College. It was not, however, perfectly reliable, and errors of from two to ten seconds were sometimes found to exist in the controlled clock.

Of the new method, which originated, we believe, in Vienna, and has made its way as far westward as Paris, of setting clocks by means of pneumatic tubes, there can be a great deal said on the score of economy, when the system is applied to large cities. It certainly would be a popular idea to have the time laid on, as the water or gas is, from a small pipe passing the door. The special clock needed would be furnished and kept in order by the payment of a small annual rental. The expense would be trifling as compared with any system yet suggested of equal accuracy, and the field is so promising that it would be strange if attempts were not

soon made in our large cities to occupy it. But such or any similar systems for the local distribution of time will depend upon the accurate and regular reception of the standard from an observatory which may be several hundred miles distant ; and for this principal service, as well as for the railroads, the writer has already expressed the opinion that the transmitting and receiving apparatus of the telegraph companies, in connection with an observatory clock, affords the best, as well as the simplest, means.

So much for the public distribution for commercial and social purposes. There is another and extremely important service, too much neglected in our country, in behalf of the merchant marine. The Royal Observatory at Greenwich justly considers the accurate dropping of the time-balls on the English coast of almost equal importance with the transmission of time over England. A similar service should be undertaken by our own Naval Observatory, and the suggestions embodied in Professor Holden's report to the Secretary of the Navy,* on this subject, receive the cordial support not only of the officers of the navy and of the merchant marine, but of those men of science whose attention has been called to the lack of such a service at the important ports of Philadelphia, Baltimore, and San Francisco.

Such a service is performed for the port of New York, though not with the assurance of accuracy we have a right to expect in such a Government work. The Observatory of Harvard College, in connection with the United States Army Signal Service, drops a time-ball for the benefit of Boston Harbor, and perhaps there is no one public signal of the Harvard Time Service which is received with more public favor than this, not only by the commanders of vessels lying in the harbor, but by the people living on the surrounding highlands, and numerous factories and institutions from which the signal is visible. This signal owes its existence to the public spirit shown by the Equitable Life Insurance Company, of New York, in erecting the apparatus necessary upon the top of their magnificent building. The time-balls in Boston, New York, and Washington, have thoroughly ingratiated themselves in the public favor.

The cost of the construction of a time-ball of the best materials and of sufficient size, with the electrical apparatus necessary, is about a thousand dollars, and, although it is the most accurate signal for popular use, yet the time-gun has many advantages, on the

* Report of the Secretary of the Navy, second session, Forty-fourth Congress.

score of economy and convenience, over the more exact time-ball. The time-gun could be extemporized from one of a battery, at any place where there is a detachment of the artillery service permanently located. Of course, there is an error owing to the time required for the sound to traverse the distance from the gun to the hearer, but this is insignificant for ordinary purposes, and it is not necessary to take any other trouble than to merely listen for the report of the gun which is known to be discharged by an electrical current from some observatory at an arbitrary instant. The time-guns have shown themselves to be very popular in Great Britain and on the Continent ; and if our army, either through its Signal Service or the artillery, could act in concert with observatories in different parts of the country, the discipline necessary for the efficient performance of such a service would be obtained, and the service would be extremely popular among the people.

Doubtless the Naval Observatory could assist in distributing the time to the whole country, but there are several reasons why it would be inexpedient for many years to come. That observatory has a legitimate sphere in fostering astronomical science throughout the country, and in performing such services as are directly for the benefit of the navy and other Government offices.

There are several observatories, particularly in our Western cities, which rely for a large share of their hold of the popular sympathy upon the public time-signals which they furnish. So long as they are strongly interested in the growth of their local service, they will do missionary work for science by interesting the people in the observatory which gives them their time.

Now, let these communities be approached through the offices of the telegraph companies acting as the agents of the Naval Observatory, and the majority will at once feel, with some truth, that the matter is no longer one of science and the patronage of a local or State institution, but that the telegraph companies are urging for their own profit the introduction of a service for which the people have not sufficient need to pay the price charged. In support of this view it might be mentioned that under date of April 2, 1877, our most prominent Telegraph Company issued an official circular through the agency of its principal local offices throughout the United States, which urged the importance of accurate time, and made financial proposals to furnish the Naval Observatory time to seventy-eight cities of the United States once a day, at a charge varying from seventy-five to five hundred dollars per year for each

place. So far as the writer knows, there has not been a single acceptance of these proposals, and even one or two acceptances might be considered exceptions to a rule. Another difficulty is the cost of the service to cities which are far distant from the distributing office. The telegraph companies justly claim that this service ought to be paid for at a higher rate than ordinary business messages because it is preferential, and all other business must cease at a given time. This arbitrary stoppage may sometimes prove highly inconvenient, and presupposes a thoroughness of discipline among employees which it is difficult to maintain over the long lines of our Western country. The service to be popular must be quick to redress grievances, and accommodating in the details of its work, particularly at its initiation. It is evident that these agencies are best insured by having the friendship toward the observatory of an important class in the community somewhat dependent on the efficiency of its time-service.

The furnishing of correct time is educational in its nature, for it inculcates in the masses a certain precision in doing the daily work of life which conduces, perhaps, to a sounder morality; and this idea will not seem far-fetched if we consider how strikingly indicative of the character of a people in the scale of civilization is the promptness with which they transact their business. It is felt, therefore—and particularly in New England—that the university does a creditable action when it directly encourages the distribution of time from its observatory. This view will be adopted by the Western institutions of learning as they gradually rise to the dignity of having distinct observatories connected with them.

At the last meeting of the American Association for the Advancement of Science, in Boston, a committee was appointed to urge the adoption of uniform systems in various parts of the country. This committee includes the representatives of the observatories which have done most in this cause.

The American Metrological Society, through a committee, have presented a carefully prepared report on the present condition of this question in the United States.* It is the opinion of that committee that the standards of time for the various parts of the country should differ by even hours, beginning with the meridian which is just four hours west of Greenwich, and designating the systems as in the last column of the following table :

* "Proceedings of the Metrological Society," vol. ii. New York : Published by the Society.

PROPOSED SCHEDULE OF STANDARDS OF TIME.

GEOGRAPHICAL SECTION.	STANDARD MERIDIAN.	TIME SLOWER THAN GREENWICH.	DESIGNATION.
Newfoundland.....	60° west.	4 h. 0 min. 0 sec.	Eastern time.
New Brunswick.....			
Nova Scotia, etc.....			
Canada.....	75° “	5 h. 0 min. 0 sec.	Atlantic time.
Atlantic States.....			
Ohio to Alabama.....			
Lower Lakes.....			
Mississippi Valley.....	90° “	6 h. 0 min. 0 sec.	Valley time.
Missouri.....			
Upper Lakes.....			
Texas.....			
Rocky Mountain region....	105° “	7 h. 0 min. 0 sec.	Mountain time.
Pacific Slope.....	120° “	8 h. 0 min. 0 sec.	Pacific time.
British Columbia.....			
Vancouver's Island.....			

The constitution of both of these committees is such that they would favor the distribution of standards of time according to any such scheme as the preceding rather than the distribution of a single time from the Naval Observatory. The above scheme, in the opinion of those who have given most thought to the subject, is the best one so far presented. It was due originally to Professor Benjamin Peirce, and its great merit consists in there being no greater difference than half an hour in any part of the country between the true local time and the arbitrary standard—an amount but slightly greater than exists between Greenwich and the west of England. In passing from the Ohio into the Mississippi Valley, for instance, the traveler merely changes his watch by one hour; and the merchant, remembering that Pacific time is three hours slow of Atlantic time, knows that it is half-past two in San Francisco when it is half-past five in New York.

Any scheme which proposes the adoption of a uniform time from one extremity of the country to the other must be looked upon as chimerical for a century to come. Ten o'clock in the morning at once conveys to our minds an idea of the average occupation of our people at that time; it is associated with a certain brightness of daylight; it means that the working-classes have been occupied with their daily task about three hours; we expect to find the majority of banks and shops open; and any disturbance of these traditional times would be received with marked disfavor. To learn, for

instance, from the morning paper that a distinguished public man had arrived in San Francisco late in the evening, and, fatigued with his journey, had retired at seven o'clock, would give the Eastern reader a sense of the utter strangeness of keeping a time three hours different from local time.

Any action for the establishment of standards of time over the country must begin by securing the active coöperation of the telegraph companies. The most influential of these companies has been traditionally public-spirited in allowing the use of its wires for scientific purposes, often at considerable expense to itself. The service of transmitting time occupies at present such an extremely small proportion of its ordinary business that the company has not as yet an officer of its service empowered to carry out the details necessary for such time-distributions as have been already discussed. If, however, the committees referred to could prepare a scheme that was thoroughly practical, and agree upon a uniformity of details which should not seriously interfere with the ordinary business of this or any other company, it is believed that the company would find it to their own interest to establish a regular system of procedure to govern their action in the case of observatories in different parts of the country which desire to secure their services in transmitting time-signals. In consideration of the assumption of responsibility and the efforts at introduction made by the observatory, the company would probably be found willing to so adjust their charges that it would prove to be entirely practicable for the various observatories to secure a large patronage for the services emanating from them without the financial burden seeming an undue amount.

LEONARD WALDO.

THE PUBLIC-SCHOOL FAILURE.

THERE is probably not one of those various social contrivances, political engines, or modes of common action called institutions which are regarded as characteristic of the United States, if not peculiar to them, in which the people of this country have placed more confidence, or felt greater pride, than its public-school system. There is not one of them so unworthy of either confidence or pride; not one which has failed so completely to accomplish the end for which it was established. And the case is worse than that of mere failure; for the result has been deplorable, and threatens to be disastrous.

To those who have not thought upon this subject, or who have thought upon it vaguely, and without careful and considerate observation of all the facts which bear upon it, this assertion will savor strongly of temerity and folly. The belief that education—meaning thereby the acquiring of such knowledge as can be got in schools and from books—is in itself elevating and purifying, and is the most potent agency in the formation of good men and good citizens, is so general and so plausible, that it has been assumed as an axiom in that which, for reasons that do not yet quite clearly appear, has come to be called “social science.” If this assumed axiom were well founded, if it were really true that book-learning and thrift, decency of life, and good citizenship, are so directly connected that they must always be found together, it need hardly be said that this sort of education would be of the first necessity in every wisely constructed and well-ordered society, and would be of supreme necessity in a country in which every man who lives outside of prison walls has a voice in the government. Hence, the assumption on this point being what it is and has been for many generations, it would be strange indeed if public education had not been a subject of grave consideration early in the short history of the United States,

and if it had not been amply provided for by legislation. The provision was early made ; and public education at public cost has been so general here, and has been developed into a system so vast and so complete, that a better opportunity for testing its worth could not be hoped for. The conditions, too, under which this system has been in operation are singularly favorable. The wealth of the country, its vast expanse of uncultivated, unoccupied land, a homestead in which can be acquired at an almost nominal price, the general intelligence of the people, their freedom from burdensome taxation, the absence of privileged classes and of an established religion supported by the state, make its people one upon which education, according to the assumed theory, should have the happiest, the most benign effects. But, however great may be the intrinsic value of education as a formative social agency, the effect of that which is afforded by our public-school system has proved in every way unsatisfactory and worse than unsatisfactory.

That the system is of New England origin need hardly be said. It is a development of the New England common school, from which it has been gradually evolved under gradually accumulating influences, some of which were pure and philanthropic, but other some of which were corrupt and self-seeking. The former may be called social ; the latter political—using the word in that narrow and derogatory sense which it has unhappily acquired in our discussions of public affairs. In Massachusetts, in the year 1647, and in Connecticut only three years later, it was enacted that every township of fifty householders should appoint a person within their town to teach all children that should resort to him to write and read, whose wages should be paid by either the parents or the masters of such children, or by the inhabitants in general ; and it was also ordered that, in every town of one hundred families, there should be a grammar-school set up, the masters of which should be able to fit youths for the university ; a grammar-school being then a school for instruction in the Latin language ; English grammar and the teaching of it to English-speaking children remaining yet unimagined, and to men of that time almost unimaginable. This system of compulsory support of common schools and grammar-schools spread itself over all New England and throughout those Northern and Western States which were more or less under New England influence.

The history of public education in the city of New York is of such importance as to merit special although brief consideration.

The act establishing common schools in the State of New York was passed in 1812. Before that time money was expended by the State for the encouragement and support of schools ; but there was no public-school system. The law of 1812 applied to towns and villages, but not to chartered cities, with two or three specified exceptions. New York was not one of these. Public education in that city was in the hands of the Public-School Society, a voluntary association, chartered, and in its standing and motives something like the New York City Hospital. I have not been able, in the time that I could give to this subject, to find the act incorporating this benevolent society ; but I find so early as the year 1807 an act for its benefit, of which the preamble is as follows :

Whereas, The trustees of the Society for establishing a Free School in the City of New York, for the education of such poor children as do not belong to or are not provided for by any religious society, have by their memorial solicited the aid of the Legislature ; and whereas, their plan of extending the benefits of education to poor children, and the excellent mode of instruction adopted by them, are largely deserving the encouragement of government : therefore," etc.

This makes the original purpose of common-school education in the city of New York sufficiently clear. It was intended for poor children whose education was not provided for by any religious society. But, in fact, its benefits were gradually extended to others—children not at all dependent upon charity. The character, the spirit, and the purpose of the Society remained, however, unchanged. It sought to give elementary instruction and moral training to children who would otherwise have been more or less neglected in these respects. The benefits of a corresponding plan of education were conferred upon the people of the State at large by the law of 1812, which established a common-school system of a somewhat rudimentary nature ; but the city of New York remained without provision by law for public education until the year 1842, when the Legislature passed an act extending to the city a participation in the system which prevailed in the State. But the act not only did this, it placed the schools of the Public-School Society, with those of the Orphan Asylum, of the Roman Catholic Orphan Asylum, and of several other benevolent societies, under the jurisdiction and supervision of the Board of Education. Finding themselves in this position, the corporators of the Public-School Society transferred their schoolhouses, and all their other property, with their rights, to the Board of Education, and the Society ceased to exist. It was not

long before other school societies followed their example. This event was a public calamity—a calamity not only to the city of New York, but to the State ; not only to the State, but to the whole country. Nor has the blight of its effect upon morals, upon politics, and upon education been confined to the country in which it first was felt. At that time our present public-school system may be properly said to have begun its rapid formation. From that time public education passed rapidly into municipal politics, and became an engine at once of political corruption and social deterioration. The example of New York was widely followed, actually if not avowedly. On all sides there was a cry for higher education ; and as higher education meant more teachers to be appointed and paid, more schoolhouses to be built, more text-books to be bought by the tens of thousands, and, in brief, more money to be expended, the local politicians, who with anthropomorphic devotion worshiped their own glorified and gigantic likeness in the Hon. William Tweed, did all in their power—and their power was great—to foster the higher education. Admirable, far-seeing, large-minded, philanthropic statesmen ! They fostered the higher education until, as I was told about ten years ago by a publisher of school-books, there was no department of his trade so profitable as that in which he was chiefly interested, but that to “introduce” a set of two or three text-books into public-school use cost between fifty thousand and one hundred thousand dollars (for what, pray let us know, O philanthropic dispensers of the healing light of education ?) ; and until now there is a College of the City of New York, as a part of its common-school system, and a Normal School, at which fifteen hundred young women are instructed yearly in the mysteries of teaching, which but a very few of the fifteen hundred practice, mean to practice, or have the opportunity to practice ; and until the sum of \$3,805,000 is spent upon public education by the city of New York alone, of which sum no less than \$1,009,207 is paid to teachers of primary departments.*

And such, in a great measure, has the “American” system of public education become in all the country lying north of the Potomac and the Ohio.

Nearly four million dollars taken in one year from the pockets of tax-payers of one city for education—more than a million

* These figures are from the “Report of the President of the New York Board of Education” for 1879.

dollars paid to teachers of primary schools, and a similar expenditure throughout the State and in more than half the States ; and what is the result ? According to independent and competent evidence from all quarters, the mass of the pupils of these public schools are unable to read intelligently, to spell correctly, to write legibly, to describe understandingly the geography of their own country, or to do anything that reasonably well-educated children should do with ease. They can not write a simple letter ; they can not do readily and with quick comprehension a simple "sum" in practical arithmetic ; they can not tell the meaning of any but the commonest of the words that they read and spell so ill. There should not be need to say that many of them—many in actual numbers—can do all these things fairly well ; but these many are few indeed in proportion to the millions who receive a public-school education. They can give rules glibly ; they can recite from memory ; they have some dry, disjointed knowledge of various ologies and osophies ; they can, some of them, read a little French or German with a very bad accent ; but as to such elementary education as is alike the foundation of all real higher education and the *sine qua non* of successful life in this age, they are, most of them, in almost as helpless and barren a condition of mind as if they had never crossed the threshold of a schoolhouse.

The testimony to this amazing and deplorable condition of the mass of the pupils of our public schools is so varied, so independent, and comes from so many quarters that it must be true ; it can not be disregarded. It is given by private persons, by officers of school districts, by teachers themselves ; and it comes from all parts of the country. It can not be repeated here in detail, for it would fill half the pages that can be afforded to this article. But one example of it may be given, which fairly represents the whole. Mr. George A. Walton, agent of the Massachusetts State Board of Education, in a report on the public schools of Norfolk County, Massachusetts, a county which borders upon Boston, and the inhabitants of which are somewhat exceptional in wealth and intelligence, sets forth a condition of things which has thus been graphically but correctly summarized by the Chicago "Times" :

The examinations were, in the first place, of the simplest and most practical character. There was no nonsense about them. They had but one object—to see if, in the common schools, the children were taught to read, write, and cipher. . . . The showing made by some of the towns was excellent, and of them we shall speak presently. In the case of others, and of

many others, it is evident from what Mr. Walton says, and still more evident from what he intimates, that the scholars of fourteen years of age did not know how to read, to write, or to cipher. They could, it is true, repeat the pieces in their school readers, and parse and spell in classes, and rattle off rules in grammar and arithmetic, not one word of which they understood; but if they were called upon to write the shortest of letters or the simplest of compositions, or to go through the plainest of arithmetical combinations, their failure was complete. They had, in fact, been taught what to them were conundrums without end; but the idea that the teaching was to be of any practical use in the lives of these children, when they grew to be American men and women, formed no part of the system, and evidently had never entered into the heads of the instructors. . . . Then, when the letters and compositions were brought in, the ingenuity in bad spelling seems simply incredible. Unless the different misspellings of the word "scholar," for instance, were given, as in this volume they are, who would believe that they would be some two hundred and thirty in number? Then, again, sixty-five different spellings are enumerated of the word "dépôt"; one hundred and eight of the common word "whose," and fifty-eight of "which." Out of eleven hundred and twenty-two pupils who used the adverb "too" in the narratives, eight hundred and fifty-nine, or nearly seventy-seven per cent. of the whole, spelled the word incorrectly. Then on pages 218, 219, and 246-248 of the report we are given *fac-simile* lithographs of these letters and compositions, showing their average excellence in certain of the towns, and anything worse it would be hard to conceive. Language fails to do justice to them; they only can do it to themselves.*

This is the intellectual result of the operation of our much-vaunted "American" public-school system during the last thirty or forty years. Competent observers in all quarters tell the same story. In the year 1875 it was officially recorded that the candidates for cadetship at West Point had shown a steady deterioration in thoroughness of elementary knowledge during the then last twenty-five years. It is needless to waste more words in setting forth a fact equally sad, disgraceful, and undeniable.

Nor need we look very far for information which is both corrob-

* Mr. Walton's report is before me, and I am able to bear unqualified testimony to the unexaggerated truthfulness of this summary setting forth of the case which he presents in great detail. I have quoted this passage less for convenience' sake than that the reader might see how widely a judgment against the efficiency of our public schools is beginning to be diffused. Mr. Charles Francis Adams, Jr., in his paper on "The New Departure in the Common Schools of Quincy," says of an examination of those schools by competent and impartial gentlemen in 1873: "The result was deplorable. The schools went to pieces. . . . In other words, it appeared, as the result of eight years' school-teaching, that the children, as a whole, could neither write with facility nor read fluently."

orative and explanatory of this lamentable and almost ridiculous failure of public-school education. The system soon began to bring forth its proper fruits. The Superintendent of Public Instruction in the State of New York, in the eighth annual report from his office, presented to the Assembly in 1862, after discussing in general terms the "limited knowledge" among a "large proportion" of the teachers of "that which all teachers ought first to know," a deficiency which had been found a "source of embarrassment," said :

Many [teachers] who have been over a very extended ground of higher mathematics fail utterly in the simplest principles of mental and practical arithmetic. More have spent busy terms in the study of the classics, but have no knowledge of the first principles of their own language; while to find one who knows anything of the geography of his own, much less of foreign lands, is rare good fortune indeed! And yet these are not novices, but representative teachers, as the average term of their experience shows (p. 39).

We have here revealed to us the condition into which public education had been brought by twenty years' experience of our public-school system—a period just about long enough to mature a second generation of teachers under the influence of that system.

This being the mental condition and the educational equipment of teachers, what may we reasonably look for in their pupils—the time having not yet come when men may gather grapes of thorns or figs of thistles? Mr. Walton's Norfolk County report might have been written in advance by any man gifted with moderate power of forecast. As a mere imparter of useful knowledge the public-school system has failed utterly.

And now let us consider that system in relation to the reason, the only reason, which justifies its establishment. It is supported by enormous sums of money taken by process of law from the pockets of individuals. Will he, nill he, every man who has property is compelled to pay for the education of other men's children in schools to which he may or may not wish to send his own children, if he has any. The only possible justification for this forcible appropriation of his money is, that it is for the public good, for the common wealth, that the system for the support of which his money is taken affords security for life, liberty, and property which without that system would be lacking. And this is the reason for it, and the only reason that is avowed. It has recently been set forth very clearly by an able and highly esteemed public-school officer, of high position, in a passage which is a very complete expression

of the *raison d'être* of our public-school system. The Superintendent of the Board of Education of the city of New York (one of the most high-minded and capable members that board has ever had), in his report for 1879, thus remarks :

In our day, and in the condition of American life, we need all the power of an educated intelligence in order to lift the masses, as well as to maintain an equilibrium in the forces of society. The distribution of knowledge is as necessary as the distribution of light. We need the distributive power of systems of education which will reach the lowest abodes and penetrate to the farthestmost hamlets of the land. The best education of the people will thus become the best government of the people (p. 27).

Here we have the professed, and the honestly believed social and political theory upon which the public-school system rests. It is to lift the masses. Knowledge is as necessary to healthy social life as light is to healthy physical life. If education reaches the lowest abodes, we may then, and only then, have the best government of the people.

The theory is not merely unsound, it is utterly and absolutely false. Knowledge will not lift the masses, except as a balloon is lifted, because it is inflated with gas. Mere knowledge does not raise the quality of men's moral natures. Knowledge is light indeed to him who can see, and who can think and feel rightly as to what he sees ; but mere intellectual light, without moral warmth, will not produce a healthy social life, any more than a healthy physical life can exist in the light of a thousand suns without the genial warmth of one. The road to the best government of the people does not lie only through the door of the public schoolhouse.

This theory itself, however, is the natural fruit of a belief which has obtained general acceptance, and which is embodied in an adage that, like so many adages, is fallacious, and yet is received without question because of its sententious form. It seems conclusive, and it saves people the trouble of observing and of thinking. This adage is, "Ignorance is the mother of vice." Among all the hundreds of adages, which are supinely accepted and blindly acted upon, there is hardly one which is more at variance than this is with the truth. On the contrary, the teaching of the world's experience through all past ages, and in the light of the present day, is this :

Ignorance is the mother of superstition, but has no relation with vice.

Ignorance has, indeed, a certain relation with vice—a relation which, however, is merely one of frequent coexistence. But coex-

istence does not imply connection. It no more implies connection than sequence does. That which follows is not necessarily the consequence of that which goes before. *Post hoc* does not imply *propter hoc*. Equally true is it that two things found often, or even generally, together have not necessarily the relation of cause and effect, nor even that of identity of cause. Vice may, and often does, flaunt unpalliated by ignorance ; ignorance may, and often does, walk with its humble purity untainted by vice. Some of the most vicious men that have ever lived have been well instructed, accomplished, and even learned. Some of the purest and best have been ignorant—so ignorant that they could read and write hardly better than the majority of the pupils of our public schools. Ignorance and vice are so frequently found together, not because the former is the cause of the latter, but because both—but chiefly the former—are the common companions of poverty. Want, if not the parent of vice, is at least its faithful foster-mother. One among the proverbs that really embody the truth of the world's experience is that which tells us, "It is hard for an empty bag to stand upright." Becky Sharp said that she could have been a good woman if she had had five thousand pounds a year. The goodness of the Becky Sharps of this world, under any circumstances, is but skin-deep, like their beauty ; but beauty is none the less sought for and longed for ; and so decorous behavior and decent life are all that society can demand, no matter what their motive. Thackeray, in this speech of his greatest creation, lays bare the nature of all vice. Vice is the satisfaction of personal wants without regard to right. Now, as the obstacle to the satisfaction of wants is almost always the lack of means, that is of money or its equivalent, the result is that most vice is directly connected with the need of money. The fact that the need may be actual and healthy—as for the necessities and comforts of life, or fictitious and fanciful—as for luxuries of whatever sort, does not impair the truth of the axiom that need is the motive to the vicious life. Hence it is that poverty and vice are so often found together, and that, poverty being so common, vice is so common. There are thousands of humble Becky Sharps, and of their male counterparts, in every town and county in the country.

If ignorance were the mother of vice, and if our public-school system were what it is set up to be, the fruits of the latter would by this time have been manifest, plainly visible to the whole world, in our moral advancement as a people, in a higher tone in our society, in the greater purity of our politics and the incorruptibility of our

legislators, in the increased probity of the executive officers of our State and municipal governments and of our corporate financial bodies, in the superior wisdom and more solid integrity of our bench, in the sobriety of our matrons, the modesty of our maidens, in the greater faithfulness of wives, in the diminution of divorces, in the steady decrease of vice and crime and idleness and vagrancy and vagabondage. If ignorance be the mother of vice, and the public school is the efficient foe of ignorance, the last fifty years should have seen in all these respects an improvement so great that admiring nations would applaud and humbly hope to imitate. But who needs to be told that in all these respects we have deteriorated? It is not Horace's praiser of the days when he was a boy that tells us this. It is a matter of public record. It is known to every observant man who has lived more than thirty years. Our large towns swarm with idle, vicious lads and young men who have no visible means of support. Our rural districts are infested with tramps—a creature unknown to our fathers, and even to us in our youth. The corruption of our legislative bodies is so wide and so deep and so well known that great corporations and business men of large wealth can almost always obtain the legislation needful for their ends, right or wrong. Bribery at elections is almost openly practiced by both our great political parties. The general tone and character of our bench, both for learning, for wisdom, and for integrity, have fallen notably during the last thirty years. Dishonesty in business and betrayal of trust have become so common, that the public record of the last fifteen years on this subject is such that it can not be remembered without shame. Politics, instead of being purified and elevated, has become a trade in which success falls year by year more to inferior men who have a little low cunning. Divorces have multiplied until they have become so common as to be a stock jest in the facetious column of our newspapers. Crime and vice have increased year after year almost *pari passu* with the development of the public-school system, which, instead of lifting the masses, has given us in their place a nondescript and hybrid class, unfit for professional or mercantile life, unwilling and also unable to be farmers or artisans, so that gradually our skilled labor is done more by immigrant foreigners, while our native citizens, who would otherwise naturally fill this respectable and comfortable position in society, seek to make their living by their wits—honestly if they can; if not, more or less dishonestly; or, failing thus, by petty office-seeking. Filial respect and parental love have both

diminished ; and, as for the modesty of our young men, and even of our young women, they do not even blush that they have lost it. This is the condition in which we are after more than half a century of experience of our public-school system, the only justification for whose existence is that it was asserted and believed to be a panacea for the cure of social and political disease. Nor is the case of that system at all bettered by the quite untenable assumption that all this would have been without its influence ; for its only justification, the very reason of its being, is the other assumption, that by it all this would have been prevented.

Moreover, there is evidence on record, evidence furnished quite independently of any investigation of this subject, which proves the case against the public-school system as clearly and as undeniably as the truth of Newton's theory of gravitation is proved by the calculations which enable astronomers to declare the motions and to weigh the substance of the planets. For the census returns show that crime, immorality, and insanity are greater in proportion to population in those communities which have been long under the influence of the public-school system than they are in those which have been without it. The system, be it remembered, is of New England origin, and the New England States have been longest under its influence. The States south of the Potomac are those which were longest without it ; and, indeed, in them it has hardly yet obtained favor or foothold. Let us compare the statistics of population, of literacy and illiteracy, and of crime in these two classes of States, carefully eliminating from our calculation the influence of foreign immigration upon the criminal record of the Northern States, which the particularity of the census returns enables us to do. The comparison is between the native white populations of Massachusetts, Connecticut, New Hampshire, Vermont, Maine, and Rhode Island on the one hand, and the same population of Delaware, Virginia, Maryland, North Carolina, South Carolina, and Georgia on the other. These are all original States of the Union, Maine excepted ; but Maine was always a part of New England. They are commonwealths founded at about the same time, by people of the same race and the same religion. In 1860 secession and consequent civil war caused in the Southern States an upturning of all the elements of society, which makes it proper that the examination of their social condition should be limited by the census of that year.

The census of 1860 shows that the New England States had a

native white population 2,665,945 in number, and of these there were but 8,543 adults who could not read and write. The six Southern States mentioned above had 3,181,969 native white inhabitants, among whom there were 262,802 adults who could not read and write. In the New England States, therefore, the native whites who could not read and write were in the proportion of one to 312, while in the six Southern States the proportion of wholly illiterate whites was one to 12. Now, if ignorance is the mother of vice, of crime, of wretchedness, and of all that goes to make bad citizens, the excess of the criminal classes in the Southern States should have been in something like the proportion of 312 to 12. But it was not so. On the contrary, the proportional excess of crime, of pauperism, of suicide, and of insanity (and among the native white inhabitants, be it remembered) was very much greater in the New England States ; for in 1860 they had in their prisons 2,459 criminals, while the six Southern States had but 477. New England society, formed under the public-school system, produced one native white criminal to every 1,084 inhabitants ; while the Southern States, which had been almost entirely without that system, produced only one to every 6,670—a disproportion of more than six to one !* The New England States had one publicly supported pauper to every 178 inhabitants, while the six Southern, which were without public schools, had but one to every 345. Of suicides, there were in the New England States one to every 13,285 of the entire population ; but the others had only one to every 56,584. The census of 1860 has no record of insanity ; but that of 1870 shows in New England one insane person of those born and living in the several States to every 800 native-born inhabitants ; but in the six Southern States in question only one to every 1,682 native inhabitants. Strange to say, foremost in this sad record stand Massachusetts and Connecticut, which have had common schools since 1647 and 1650 respectively, as was remarked in the beginning of this article ; the former pro-

* The well-known fact that homicide is more common in the Southern States than in the Northern is of no importance in the consideration of these statistics. It merely shows that to the mass of crime in the one case homicide bears a large proportion, and to the mass of crime in the other a very small one. And it is to be remarked that of the homicides in the Southern States a very large proportion, springing as they do from an antiquated perversion of the sense of honor, semi-savage as they often are, are generally less base and vicious in motive than the comparatively few murders in the Northern.

ducing one native white criminal to every 649 native white inhabitants ; the latter, one to every 845.*

The significance of these facts and figures can not be mistaken or explained away. Does it therefore follow that knowledge is incompatible with virtue, thrift, good citizenship, and happiness, and that education is *per se* an evil? Not at all. But it does follow that ignorance is not the mother of vice ; that ignorance has no necessary connection with vice. It does follow that the public-school system is not the reformatory agent which it has honestly been supposed to be ; that its influence is not to make men good and thrifty and happy ; that it is not adapted to produce the best government of the people.

In 1870 the cost of the system which coexisted with the condition of society indicated by these figures, and which has been previously described in this article, was more than *sixty-four million dollars*!

The remedy? A remedy must be found. It can not be set forth in detail at the end of an article like this, which has already exceeded the limits assigned to it. But it may be briefly indicated as a discontinuation of any other education at the public cost than that which is strictly elementary—reading, spelling, writing, and the common rules of practical arithmetic ; and in the remission of all education higher than this to parents, the natural guardians and earthly providence of their children. And those children only should be thus educated at public cost whose parents are too poor to give them even an elementary education themselves. Supplementary to this simple system of elementary education, there might be some jealously guarded provision for the higher education of pupils who have exceptional ability and show special aptitude and taste for science or literature.

Moreover, if Government is to assume a parental and formative function, and to attempt the making of good citizens, it may with much more reason and propriety establish public farms and public workshops, and train in them its future citizens to get their own

* My attention was directed to these facts by a pamphlet on the system of anti-parental education, by the Hon. Zachary Montgomery, of California, which I received on the 23d of October last, after the publication of my articles on the public schools, in the "New York Times." Mr. Montgomery's trenchant pamphlet contains very elaborate tables made up from the United States census reports. I have verified them by those reports, and find them essentially accurate and trustworthy.

living honestly and respectably, than it may establish and compel attendance upon schools on a system the result of which, according to the experience of half a century, is deterioration in purity of morals, in decency of life, in thrift, and in all that goes to make good citizens, accompanied by a steadily increasing failure in the acquirement of the very elements of useful knowledge.

RICHARD GRANT WHITE.

THE VALIDITY OF THE EMANCIPATION EDICT.

As a contribution to American literature, the paper of President James C. Welling, in the February number of the "Review," is deeply interesting. As a chapter in American history at a period the most perilous in our existence as a republic, it is an addition not without instruction. As an argument, produced nearly twenty years after the promulgation by President Lincoln of that greatest of all state papers—the Emancipation Proclamation—and after the American people have begun to wonder how human slavery ever came and continued to exist in a civilized country—as an argument impeaching the validity of that proclamation, this paper by President Welling is, in the light of the present, exceedingly ingenious and remarkable. With great apparent attention to detail, evidenced by quotations from sources varied and numerous, the writer invites his reader along after the manner of a plausible advocate who is determined to gain his case before the testimony has been heard. And by this there is no intention to charge misquotation or anything of the sort, for such does not appear. But it is charged that the historic sketch does not give a fair estimate of the history of the Emancipation Proclamation, or of the relation thereto of its sublime author.

In the first place, it is true that President Lincoln took the oath of office with the profoundest feelings of awe respecting the sacredness of the Constitution which he was sworn to defend and support. It is probable that no man ever lived who had a keener sense of his obligations to his Creator and his fellow-men, and who discharged those obligations more conscientiously, than did Abraham Lincoln. Necessarily, then, is it true that he did not rush headlong into any measure or action. And, when once convinced that a path opened before him designed for his footsteps as the President of his country, he walked therein with unfaltering courage and unwavering devotion, pressing toward the mark ever kept in view—"to save

the Union." He felt the load of a nation upon his shoulders, and most righteously did he bear the burden.

No one will deny that Lincoln was opposed heart and soul to human slavery. His debates with Douglas, his early and later career, his every utterance public and private on the subject, bear testimony to this statement. At the same time he recognized the fact that slavery existed, and that there was a recognition of the evil in some of the courts and laws. At the threshold of his administration he was confronted with a war of rebellion on the part of seceding States, the avowed purpose of which war was to destroy the Union and establish a confederacy, the corner-stone of which was to be negro slavery. In such a complexion of affairs did Lincoln enter upon the Presidential office. Yet the learned writer seems in great part to have failed in the comprehension of the magnitude, the length, breadth, height, and depth of those events and upheavals, and the solemnity of the hour.

This appears the more manifest when the reader of his paper comes to analyze the historic sketch, and finds so much stress placed upon the notes and insignificant details. As preliminary, therefore, to that writer's argument against the legality of the proclamation, what boots it, then, the views of Secretaries Chase, Stanton, Welles, and the rest, regarding the conduct of the war? What difference does it make whether Lincoln favored arming the negro before or after the proclamation was issued? What has any or all of this to do with the legality and effect of the proclamation itself? Why should the writer dwell so persistently on the "Greeley faction" and the "pressure" from abolition sources upon the President to adopt extreme measures in regard to slavery? The criticism is not made because the writer produces history relating to the proclamation, but because what is given is incomplete and one-sided.

"Avowed opposition" to arming the negro does not fairly convey Lincoln's attitude on the question. The President had nowhere "avowed" his opposition to arming negroes as distinct from any other feature of the negro question. At the beginning of the struggle he was unwilling to do anything for or against slavery. Yet the learned writer must know that the question of slavery and emancipation with their incidents was a question of growth, and presented itself like a mountain before Lincoln and the whole country. It became the question of the war. Time was a great leveler of opinions as well as author of mighty issues in those days. No one comprehended the vastness of the question. Lincoln grasped

its import more readily, doubtless, than his advisers or the people. His only aim was to "save the Union." Whatever he did was to "save the Union." Whatever he refrained from doing was in order to "save the Union." With this understanding of his purpose and aims it can not be predicated that President Lincoln had an "avowed opposition" to the arming of negroes.

Neither does this learned writer impart a correct view of President Lincoln's treatment of the representatives from the border States. The writer's comments respecting the interview with these representatives and the synopsis of the interview with the Chicago clergymen are very wide of the facts, because they leave the reader to infer that President Lincoln was flippant in his behavior, and lacked sincerity in affairs of the gravest moment; that he was timid, faltering, and weak. No picture could be farther from the real. He was never vacillating. His nature was patiently to hear arguments, weigh them carefully, and then determine according to law and his conscience. Referring to the lack of harmony between the Union men of the border States and the antislavery portion of the Republican party—that portion insisting on radical measures concerning slavery—the writer declares: "Thus placed between two stools, and liable between them to fall to the ground, he determined at last to plant himself firmly on the stool which promised the surest and safest support." This is a sorry figure of Lincoln, indeed. No one of his tried friends or acquaintances will recognize therein the character of the brave, true, uncompromising Lincoln. To multiply examples would be tedious.

In short, from the historic sketch of the learned writer; from his piecemeal quotations of original and secondary evidence; from the diary extracts; from the continual putting forward of the incessant "pressure," "pressure," and the "Greeley faction"—the irresistible inference is that Lincoln came up to the point of proclaiming emancipation like a sheep driven to the shambles; that he squirmed and put off the question, and allowed himself to proclaim something against his will, and in which he had little faith or none; that the proclamation of emancipation was launched forth as a toy-ship, simply to see the spectacular effect!

He asserts, in no indistinct language, that Lincoln was weak and vacillating when he declares: "Doubtless there are those who, on the view here presented, will tax Mr. Lincoln with undue subservency to party. But it is only just to remember that he tried to avoid its necessity, as with strong crying and tears; that he was

called in his political geometry to deal with problems, not theorems; and that he was a tentative statesman, who groped his way *à tâtons*, not a *doctrinaire*."

The writer then proceeds to consider the force and effect of the proclamation, "viewed in the light of constitutional and of public law. . . . The questions presented," he says, "by the proclamation of January 1, 1863, in the shape actually given to it by Mr. Lincoln, are these :

"*Firstly*. Had the President of the United States, in the exercise of his war powers, a right, under the Constitution and by public law, to decree, on grounds of military necessity, the emancipation and perpetual enfranchisement of slaves in the insurgent States and parts of States ?

"*Secondly*. Did such proclamation work, by its own vigor, the immediate, the unconditional, and the perpetual emancipation of all slaves in the districts affected by it ?

"*Thirdly*. Did such proclamation, working *proprio vigore*, not only effect the emancipation of all existing slaves in the insurgent territory, but, with regard to slaves so liberated, did it extinguish the status of slavery created by municipal law, insomuch that they would have remained for ever free, in fact and law, provided the Constitution and the legal rights and relations of the States under it had remained, on the return of peace, what they were before the war ?

"Unless each and all of these questions can be answered in the affirmative, the Emancipation Proclamation was not authorized by the Constitution or by international law, and, so far as they must be answered in the negative, it was *brutum fulmen*. It remains, then, to make inquiry under each of these heads."

Such are the propositions of the learned writer. He then proceeds to answer in the negative "each and all" of the questions, and hence comes to the conclusion that the Emancipation Proclamation was "*brutum fulmen*"—*a harmless thunderbolt*—"extra-constitutional"—so far outside of the Constitution that an amendment was required to bring the proclamation inside of the Constitution, and that "it seems a waste of logic to argue the validity of Mr. Lincoln's edict." Many readers, doubtless, have been filled with surprise and indignation to find in this year of grace—more than seventeen years after the *fact* of emancipation—that a writer comes forward to announce to the world that Lincoln was an *experimental*, *irresolute* statesman; that he issued the proclamation in the first instance as a "political

necessity"; that the proclamation itself was a "harmless thunder-bolt"; that it was contrary to international law and was unconstitutional; and that it is "a waste of logic" to defend its validity. Such papers, such arguments, and such conclusions, are in keeping with much of the logic and rhetoric heard throughout the land during the nation's struggle for life, and since the close of that struggle. Similar are they to the unceasing clamor that it was "unconstitutional" in 1860 and 1861 to use coercion to stay secession; it was "unconstitutional" for President Lincoln to call for seventy-five thousand troops to quell the insurrection; it was "unconstitutional" to suspend the writ of *habeas corpus*; it was "unconstitutional" to raise money or men for the support of the Union army; "unconstitutional" was it to do or say aught against treason or toward suppressing the accursed rebellion; the same logic and rhetoric that in 1864 pronounced the war to suppress rebellion a failure, and demanded peace on any terms; the same that since the war in every possible manner have opposed reconstruction and complete restoration of the Union.

The processes by which negative answers to the interrogatories quoted above are reached by Mr. Welling remain to be considered. To begin with, let the proclamation itself speak. It is entitled "A Proclamation," and recites:

Whereas, On the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing among other things the following, to wit [then follows the warning clause in the September proclamation, declaring that the President would on January 1, 1863, issue a proclamation liberating slaves of all persons then in rebellion against the United States; the clause continuing that the President would on January 1, 1863, designate the States and parts of States in rebellion; and the proclamation proceeds]:

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and Government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit [then follows a list of States and parts of States then declared to be in rebellion, the paragraph closing with the words, "and which excepted parts

are for the present left precisely as if this proclamation were not issued," and then continuing]:

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

. . . . And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, seriously believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, etc.

This is the proclamation that is assailed as being against international law and unconstitutional. Here let it be distinctly noted: that President Lincoln, in issuing the proclamation, relied solely upon his powers under the Federal Constitution, "as Commander-in-Chief of the Army and Navy of the United States in time of actual armed rebellion"; that the proclamation was issued as "a fit and necessary war measure for suppressing said rebellion"; that the proclamation did not *pretend* to touch the slavery question in Maryland, Kentucky, Missouri, Tennessee, and parts of Louisiana and West Virginia; that the insurgents had received one hundred days' notice of this January proclamation; that "the Executive Government of the United States, including the military and naval authorities thereof," would "recognize and maintain the freedom of said persons"; and that such liberated persons would be received into the military service of the United States.

I. In the first place, as the reader who has read the attack upon the validity of the proclamation can not fail to perceive, that writer bases his argument and deductions upon the doctrine and rules of international law. His conclusion is, that the Emancipation Proclamation was not only contrary to international law, but was "unconstitutional"—contrary to the Constitution of the United States! The simple statement of the premise, argument, and conclusion of that writer is sufficient, it seems, to exhibit the glaring fallacy of his reasoning.

At the outset of his argument he asserts it to be a well-settled principle that when the doctrine of international law applies at all to a war or condition of affairs, the same doctrine applies at all

times and in all places throughout such war and condition of affairs. If this proposition be true, what pertinency had the Constitution of the United States to the States in rebellion or the Emancipation Proclamation, or to any measure or policy of the United States Government during the rebellion? How could the Emancipation Proclamation be "unconstitutional," if it could be issued only in accordance with the rules of international law? The fallacy is apparent.

But this error is insignificant when compared with others of the writer in question. His fatal and fundamental error is in the endeavor to bring the question of the Emancipation Proclamation under the doctrine of international law in any respect or particular. He begs the question when he assumes that international law is applicable. What is international law? Is it necessary to be rudimentary here? The words themselves carry their definition—the *rules of law governing nations, independent states, in their mutual intercourse*. It is the law between independent nationalities. International law has application to independent sovereign states, recognized as such by civilized nations. It has nothing to do, in the first instance, with rebels in arms, savages, or barbarians. Only after the state's independence is recognized by civilized nations, and the state takes on the insignia of a separate and distinct nationality, capable of maintaining its sovereignty, does international law intervene to determine rights and duties. The writer's error is in assuming a false premise for his logic, namely, in assuming that the States in rebellion were entitled to be recognized as a separate and independent State. He exalts seceding and rebellious States, ingredient parts of one nationality, to the dignity of an independent nationality. Having thus exalted secession to this high plane, the writer then proceeds to apply the rules of international law as he construes them. It seems almost a waste of breath, but necessary, to call to mind that the war of the rebellion was not an international war. It was a war of secession, bitter and wicked, aimed at the life of the Union and liberty, and the equality of men before the law. It was a war to destroy the Union and establish slavery. It is important to call things by their right names, and not soar off into glittering phrases about "Confederate States" and "international law." It was none the less treason because the Federal Government, with magnanimity and forgiveness immeasurable and without parallel, condoned and pardoned the greatest of crimes against one's country. Had the rebels in arms succeeded in establishing a

government of their own, as they set out to do, and had their independence been recognized by other nations, then there would be some force in the claim that rules of international law must apply in disposing of the question of slavery and all other questions growing out of the war. It seems necessary to remind Mr. Welling that the rebellion did *not* succeed, and that the seceding States were never, by any state or nationality, recognized as an independent nation. These facts of history ought to be a complete refutation of that writer's entire argument, so far as international law is concerned. That the sun shone yesterday, is a *fact* all men admit. To argue for what *might* have happened had there been no sunshine yesterday would be very like the argument to dispose of the Emancipation Proclamation by rules of international law. However, it may throw additional light upon his inaccuracies to follow him further in his argument respecting international law.

The doctrine of *postliminy* is relied upon by the writer under review. He describes the doctrine as the law "*according to which persons or things taken by the enemy are restored to their former state when they come again under the power of the nation to which they formerly belonged.*" And this is the definition given by Chancellor Kent and other text-writers. In other words, the definition means, as applied by Mr. Welling, that, when the war closed and hostilities ceased, the blacks were restored to the power of their former owners, and were *ipso facto* remanded to slavery. An extended search for authorities has failed to discover one in support of such a deduction. Is not the fallacy of the claim apparent on its face? What are the facts?

President Lincoln went into office in 1861. Secession was staring the Union in the face. Several States attempted to secede from the Union. A gigantic rebellion raged for fully four years. The *avowed purpose* of that rebellion was to destroy the Union and establish a Confederacy based upon human slavery. President Lincoln said, December 1, 1862: "Without slavery the rebellion could never have existed; without slavery it could not continue."* In a speech at Savannah, Georgia, March 21, 1861, the Vice-President of the so-called "Confederacy," in explanation of the rebel Constitution, among other things declared: "The new Constitution has put at rest for ever all the agitating questions relating to our peculiar institutions—African slavery as it exists among us—the proper status of the negro in our form of civilization. *This was the imme-*

* President Lincoln's second annual message.

diate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the 'rock upon which the old Union would split.' He was right. . . . The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution were, that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. . . . This idea, though not incorporated in the Constitution, was the prevailing idea at the time. . . . Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. . . . Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests (*sic*) upon the great truth that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition."* The war was universally denominated by the rebels and their sympathizers as an "abolition war." On the part of the Federal Government the war was prosecuted in the first instance and throughout ostensibly and in fact to defend and save the Union, without regard to slavery, up to the date of the Emancipation Proclamation. When the proclamation came, the issue was joined on the question of slavery. From that time forth abolition of slavery was the *sine qua non* to peace and readmission to the privileges of the Union. This principle was steadily asserted and adhered to in every act, message, and official expression of the Administration subsequent to the date of the proclamation. There was no step or utterance backward on the part of the Federal Government. The rebels recognized the issue thus joined. In January, 1863, almost immediately after President Lincoln had issued the proclamation, the question arose in the so-called Confederate House of Representatives as to terms of peace to be demanded by the rebels in the event of any negotiations. A member from Tennessee introduced resolutions on the subject. Their purport to a great extent was: "There is no plan of reconstructing what was formerly known as the Federal Union, to which the people of the Confederate States will ever submit"; in no case would the "Confederate States" unite with "New England," although they would be glad to receive any of the Northwestern States on certain conditions. The resolutions contained further: "While the Confederate States of America are not at all responsible for the existing war, . . . they

* McPherson's "Political History of the Rebellion," 1860-1864, p. 103.

could not yield their consent to an armistice of a single day or hour, so long as the incendiary proclamation of the atrocious monster, now bearing rule in Washington city, shall remain unrevoked. . . . Whenever the friends of peace in the North shall grow strong enough to constrain Abraham Lincoln and his flagitious Cabinet to withdraw said proclamation," then an armistice might be arranged. The "Atlanta Intelligencer" of January 20, 1863, bitterly opposed these same resolutions, and said: "We desire now solemnly to protest against [the resolutions], and we trust that they will be tabled by the Confederate Congress, whenever they are taken up to be considered. We are fighting this war for Southern independence, and for a government of Southern States recognizing African slavery as an institution ordained of God, beneficial to mankind," etc.* In December, 1863, the Governor of North Carolina wrote to Jefferson Davis urging the importance of negotiations for peace. Davis replied, expressing the utter fruitlessness of such negotiations, giving as a reason that repeated efforts had been made to effect a peace conference with the United States, all of which efforts had been rejected by the Federal Government. Among other things he said, "Have we not just been apprised by that despot [Lincoln] that we can only effect his gracious pardon by emancipating all our slaves, swearing allegiance and obedience to him and his proclamation, and becoming, in point of fact, the slaves of our own negroes?"*

Surely these quotations are sufficient to show that the issue as to slavery was clearly defined, and that the proclamation was recognized by the secessionists as something more than a *harmless thunderbolt*. The disunionists were parties to the case then being tried by wager of battle, and it is of the first importance to know how the question of slavery and of the Emancipation Proclamation was regarded by them. They had every possible notice before and after the issue of the proclamation that peace and union would never come without the abolishment of slavery. They were having their day in the court of last resort with this issue clearly before them. How was the issue decided? Could anything be plainer than this: that the surrender of Lee at Appomattox and the laying down of arms by the insurgents were upon the express condition of abolishing slavery? And the trite maxim in law applies—*Omnis rati habitio retrotrahitur et mandato priori æquiparatur*—every

* McPherson's "Political History," etc., p. 303.

† Ibid., p. 307.

ratification of an act already done has a retrospective effect, and is equivalent to a previous request to do it. Prior negotiations for peace had failed, because the insurgents were not willing to recognize and accept the condition. Referring again to the definition of *postliminy*, can it be truthfully asserted that, upon or after this surrender and the acceptance of the condition, the blacks were "restored to their former state," and that they came again "under the power of the nation to which they formerly belonged"? The definition of *postliminy* itself answers in the negative.

Under this first division of his argument, the writer places great store by what he terms a "precedent" furnished by the war of 1812, where Great Britain paid a large indemnity to the United States for slaves emancipated during that war. The writer emphasizes this case, and argues that it is quite conclusive in its application to the war of the rebellion, and this, too, on principles of international law! The writer says: "In the face of a precedent so set and so adjudicated by these great powers, acting under the law of nations (and one of them subsequently known as the leading antislavery power of the civilized world), it would seem that, as a question of law, the first interrogatory must be answered in the negative." The writer is exceedingly unfortunate in his citation, as can be demonstrated. What were the facts in the case? During the war of 1812, Great Britain had freely exercised the right to emancipate slaves of American owners, and large numbers were liberated by proclamation and otherwise. The war closed, and the Treaty of Ghent followed in 1814. One article of this treaty *expressly stipulated* that Great Britain should indemnify the United States for certain slaves so liberated. This was one of the *conditions* of peace. It was a part of the contract between the parties. Then the question arose as to *how much* England should pay the United States as indemnity, under the treaty, and this inquiry as to amount was referred to the Emperor Alexander of Russia. Alexander made his report in general terms, finding that, according to the treaty, England should pay for slaves taken from certain places. This finding was inexplicit, and a dispute arose, England claiming that by the finding she was excused from paying for a certain class of slaves liberated. This dispute was referred back to Alexander. Count Nesselrode, for the Emperor, replied, reaffirming more distinctly the former finding as to what slaves were to be paid for, and added: "But that, if, during the war, American slaves had been carried away by the English forces from other places than those of

which the Treaty of Ghent stipulates the restitution, upon the territory or on board British vessels, Great Britain should not be bound to indemnify the United States for the loss of these slaves, by whatever means they might have fallen or come into the power of her officers."* The award was made in 1822, and required over one million dollars to be paid to the United States. Now, it is incomprehensible how such a case can be cited as a "precedent" to be followed by the United States in a war of rebellion! The Treaty of Ghent as a precedent for the United States in a war with seceding States! But that writer says the United States *claimed* of England indemnity for slaves liberated. True, and England *agreed* to pay for certain of those set free. But the Emperor said, in the quotation made above, that as to certain slaves liberated "Great Britain should not be bound to indemnify the United States." Here was an express recognition of England's right to emancipate slaves during the war without paying indemnity. The United States never made any *treaty* with the seceding States, wherein she agreed to pay for slaves emancipated during the rebellion. Had such a treaty been made, then the Treaty of Ghent might have been cited as a precedent. Yet the Treaty of Ghent case is the only "precedent" cited by the learned writer.

The precedents, however, are opposed to the theory that slavery can not be abolished by decree of emancipation. Had the writer under review gone back a few years in American history, he would have found the right freely applied. In the war of the Revolution the mother-country did not hesitate to exercise that right. Sir Henry Clinton, Lord Dunmore, and other British commanders, made free use of proclamations and orders to liberate the slaves of the colonists.† At the close of the Revolutionary war the United States claimed indemnity for the slaves thus emancipated by British commanders, and endeavored strenuously to incorporate the claim in the Treaty of 1794; but England as strenuously refused to acknowledge the claim, and no indemnity was ever allowed.‡

II. In the second place, following the order of the writer's argument, his first statement is: "No principle of public law is clearer than that which rules the war rights of a belligerent to be correlative and commensurate only with his war powers"—the conclusion

* Lawrence's Wheaton, p. 496, *note*.

† Arnold's "Lincoln and Slavery," pp. 707-709, *et seq.*

‡ Lawrence's Wheaton, p. 611, *note*.

being that, because the Federal authority did not extend by armed force throughout the insurgent territory, therefore the proclamation did not and could not operate where the Federal authority had no *de facto* power. This is relying upon technicalities, and proves too much. For the argument was, that the proclamation was not authorized either by international law or by the Constitution. And the writer admits that wherever the *de facto* power extended the proclamation was effectual. Hence, to refute this branch of the writer's argument it need not be contended that each and every bondman was, on January 1, 1863, *eo instantur*, made free. Halleck is quoted as authority to sustain his statement. Had the writer gone one section further he would have found a qualification to the "paper-blockade" quotation in this form: "It must not be inferred, from what has just been said, that the conqueror can have no control or government of hostile territory, unless he occupies it with an armed force. It is deemed sufficient that it submits to him and recognizes his authority as a conqueror; for conquests are in this way extended over the territory of an enemy without actual occupation with armed force."*

As a fact of history the blacks generally, throughout the entire South, on the first day of January, 1863, regarded themselves as liberated, and acted accordingly. And, as a result of the proclamation, they came flocking by hundreds and thousands into the Union camps, until more than one hundred and thirty thousand able-bodied negroes were fighting and laboring heroically in the armies of the Union. The views advanced hereinbefore under the first division of the argument apply here. The people in rebellion themselves recognized that the proclamation abolished slavery, and ratified the act and fact when they laid down their arms.

It is not worth while to notice the case of the *Amy Warwick*, cited by the writer under this branch of his subject. That was a decision made in 1862, by an inferior court of the United States, involved a question of maritime capture under the Confiscation Act, and has no application to the question under discussion. The writer persists in confounding the question at issue by assuming and arguing that the war on the part of the Federal Government was prosecuted as a war of *conquest*. The war never was prosecuted for conquest, in the sense of conquering and taking enemy's territory;

* Halleck's "International Law," chapter xxxii, section 3.

but it was prosecuted simply to preserve and restore the Union. The Emancipation Proclamation neither attempted nor assumed to conquer territory or to confiscate property. The proclamation declared : "That all persons held as slaves . . . are and henceforward shall be free ; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons." Has not the "Executive Government of the United States, including the military and naval authorities thereof," kept its faith and *recognized* and *maintained* "the freedom of said persons"? Have not the negroes, embraced in the terms of the proclamation, been in fact free ever since? Proclamations, laws, and decrees depend for their efficacy upon actual fact, and upon the power of the sovereign authority to enforce obedience.

III. With respect to the writer's argument on the third interrogatory it may be stated, as a general criticism, that it deals more with imaginary and hypothetical difficulties than with realities. He relies upon Lord Stowell's decision in the case of the slave Grace. This was a case arising in English admiralty practice, where a slave named Grace was taken by her master to England from the West Indies. After remaining in England for some time, she returned, voluntarily it appears, with her master to her former home. English authorities brought Grace before an English court, and sought to liberate her as an English subject, on the ground that she had been made free by setting foot on English soil. Lord Stowell held that this did not make her free when she returned with her master into her place of former servitude. The question related in no manner or form to the power of a government or belligerent to emancipate slaves during war or at any other time. The citation is very far fetched. The writer is in error when he says the doctrine laid down by Lord Stowell has been accepted ever since as the law. It has not been the accepted doctrine, by any means, for there has been continuous opposition ever since. Lord Mansfield's decision to the contrary, although rendered previously, in the case of the negro Sommersett, has been as much the accepted doctrine as Lord Stowell's decision. And in view of the fact that international law does not recognize human slavery, according to the ablest modern writers, it is rather singular that the writer should make this assertion, and place his reliance upon a case decided more than *half a century ago*. It is astounding that the writer should style the decision of Lord Stowell as the "accepted doctrine." The

authorities are exactly the reverse in modern times, and sustain the maxim that the "air makes free."*

Under this third subdivision the writer cites as an authority a work on the "Law of Freedom and Bondage." The alleged authority amounts to this : The author of that work appends a note on the subject of emancipation. The note was written after the war of rebellion had commenced, but *before* the Emancipation Proclamation was issued, and that author is simply speculating as to what *might* happen if the authorities at Washington should conclude to proclaim emancipation ; and that author adds in substance that, *if* such a proclamation should be issued, questions would naturally arise as to whether a redistribution of State powers would become necessary. This is simply the imagination of one individual before the fact. It is not authority. Yet these authorities, so called, are sufficient, with the Amy Warwick case, for the learned writer to affirm : " It is safe, therefore, to say that the third question above indicated must equally be answered in the negative."

The writer finds consolation for his views in the alleged fears of Lincoln himself concerning the efficacy of the proclamation, and in the fact that Lincoln favored a constitutional amendment. But this does not in any way affect the validity of the proclamation or its force. President Lincoln's proclamation may be likened to a judgment of the court at *nisi prius*. It was valid and effectual from its date unless subsequently reversed, vacated, or modified by a superior tribunal. It never has been reversed, modified, or vacated in any manner ; nor has there been any attempt in that direction.

The German writer Bluntschli is cited to the proposition which, as stated, no one would deny, viz., that domestic institutions can not be altered by proclamation. A conquering sovereign does not attempt to change laws of marriage, or local laws, generally speaking. But this does not forbid the sovereign's using every power on earth, that is not inhuman or barbarous, for his own defense and self-preservation. A very careful examination of this German writer at the point cited fails to discover that the page contains anything bearing upon the proposition under inspection. The page quoted does treat of the war powers of the conqueror, but not of the question at issue. It may be remarked here that Bluntschli is

* Woolsey's "International Law," sec. 74, fifth edition ; Phillimore's "International Law."

in harmony with the leading writers on international law, when he says, "There can be no such thing as human slavery according to international law." * Neither do the citations from Cadwallader's "Digest" sustain the writer's proposition. On the contrary, the pages cited refer to authorities that militate very strongly against the entire line of argument pursued by Mr. Welling, especially so in the case of *New Orleans vs. Steamship*, † which magnifies the war powers of the sovereign authority.

The writer finally clinches his citations by declaring: "And hence it is no matter of surprise that the first international lawyers of the country, like the Hon. William Beach Lawrence, and the first constitutional lawyers of the country, like the late Benjamin R. Curtis, have recorded their opinion as jurists against the legality of the Emancipation Proclamation." No reference is made to the spot where these men have so recorded their opinions. The section, page, and work should have been given, and then it is possible that a question would have been raised as to what their opinions really meant. However, as to Mr. Lawrence, it may be said that his annotations of Wheaton's "Elements of International Law" would justify the student in concluding that, in his opinion, emancipation by proclamation was outside of President Lincoln's constitutional power. This is the same William Beach Lawrence who has placed a note at the bottom of page 614 of Wheaton. In this note Mr. Lawrence, on this very subject of emancipation, which was then shaking the Union to its foundation, does not express a positive opinion as to its validity. But he does take special pains to refer to a then recent English review of a paper written by Mr. Lawrence on the subject of slavery and commerce in the United States. And Mr. Lawrence, in reviewing this reviewer, says: "The whole question, respecting manumission, is thus summarily enunciated: 'Economically regarded, the question of negroes or no negroes is brought within a narrow compass. No blacks, no cotton; such is the finality.'" These were the sentiments of William Beach Lawrence in 1863, soon after the proclamation was issued. "No blacks, no cotton; such is the finality." In the light of present facts, the soundness of Mr. Lawrence's speculative opinion may be questioned. According to the report of the Chief of the Bureau of Statistics for 1879, the product of cotton in the United States from 1851 to 1860

* Bluntschli, "Das Moderne Völkerrecht," section 360.

† 20 Wallace, p. 387, *et seq.*

was 33,584,611 bales ; from 1870 to 1879 it was 41,455,008 bales ; an excess for the last ten years of 7,870,397 bales.*

Thus far the object has been to present the argument brought forward by Mr. Welling, and in the same order of argument to adduce answers to his conclusions. It remains to add some general observations on a subject boundless in extent and interest.

The Emancipation Proclamation should be considered not in the theoretical light of an ingenious and technical writer, but from the exalted summit of the great author of the work and in the spirit and intent of the document. It should be considered in its relations to the Federal Constitution and actual facts. President Lincoln assumed to issue the proclamation only by virtue of power given in the Constitution. The proper inquiries, then, would be : Was the proclamation constitutional ? Did it accomplish the work for which it was intended ? The answers to these inquiries, in connection with what has been written, are not difficult, and may be brief.

It is self-evident, at this period of the nineteenth century, that human slavery is contrary to the law of nations, is contrary to physical law and moral law, and is a crime against civilization. If so now, it always has been illegal and tainted with these infirmities. The Declaration of Independence, which is the Magna Charta of American liberties, proclaims the truth of these axiomatic propositions when it declares : " We hold these truths to be self-evident—that all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness." The Constitution can not be rightly interpreted without reference to the Declaration of Independence.

It should be remembered, too, that the Federal Constitution nowhere uses the word " slave " or " slavery." It is a matter of history that the framers of the Constitution, in large part at least, were anxious to abolish slavery, and prohibit the traffic by the organic law itself. This element did not succeed, and it is true there is in the Constitution *implied* recognition of slavery ; but every such implied recognition carries on its face the potent admission and recognition of the great truth that slavery was then, ever had been, and always would be a curse to civilization. Let the Constitution speak for itself.

This instrument, including the first twelve amendments, con-

* " Internal Commerce for the United States," 1879, by Joseph Nimmo, Jr.

tains but *five* references, expressed or implied, to the "institution." The first occurs in relation to the apportionment of representatives and of direct taxes, and which apportionment is to "be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three fifths of all other persons." * This is reference number one, and it can not easily be said that it contains a *recognition* of slavery. Reference number two is more explicit. It reads: "The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." † Here the implication is very strong that, *after* the year 1808, measures might be adopted prohibiting slavery altogether, if it existed in any of the States, which is not admitted. The clause contains explicit notice to slave-holders, if there should be such, that slavery sooner or later might be abolished. Reference number three occurs in the same section, and reads: "No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore [reference number one] directed to be taken." The next reference is in that clause which gave foundation for the fugitive-slave law. It reads: "No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." ‡ This is reference number four. Does it contain any recognition of slavery as a right under the national Constitution? It would require a fine process of reasoning to answer in the affirmative. It does say that a person held to service in one State, and escaping into another, shall not be discharged from such service by reason of any law of that State into which the person escapes. But it does not declare that Congress, or the President of the United States, or other national authority shall not abolish slavery, or emancipate slaves for the purpose of saving the Union in time of armed rebellion. The fifth and last reference occurs in the article respecting amendments to the Constitution, and provides: "That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth

* Art. I, sec. 2.

† Art. I, sec. 9.

‡ Art. IV, sec. 2.

clauses [references two and three *supra*] in the ninth section of the first article." *

These constitute all and singular the references to "slavery" in the Constitution. Did not slavery for three quarters of a century prior to the Proclamation of Emancipation hang by a very slender thread so far as the Constitution was concerned? It seems absurd to talk about the "rights of slavery" under the Constitution. The most direct references are coupled with stipulations as to the year 1808, implying in terms as direct as possible that after the year 1808 laws would be directed against slavery. Thus it may be concluded that the Constitution contained no prohibition of President Lincoln's proclamation.

On the contrary, it will be discerned that the Constitution contains the strongest terms of approval for the promulgation of that proclamation. It would be a narrow and prejudiced vision which should presume to ascribe to the founders of the Constitution a forecast of every possible emergency that might arise in our future history. Hence, questions have arisen repeatedly in regard to the respective powers of the legislative, executive, and judicial branches of the General Government. Such questions will continue to arise so long as the Union lasts. Enough history has been made, however, particularly during the war of the rebellion, by adjudicated cases and otherwise, sufficiently to demonstrate this one truth, viz., that the war powers of the Federal Government, in every branch of it, are almost boundless. In other words, these war powers of the legislative and executive branches of the Government, by virtue of the Constitution, are amply sufficient to preserve the Union, not only against foreign enemies, but against armed rebellion and secession at home. The United States have inherent power to save themselves. It would be a mockery of national sovereignty if this were not so. The Constitution supports this view.

To begin with, the preamble is the key to the Constitution and to the sovereignty of the United States: "*We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*" May it not be permitted to stop at this guide-post to the Constitution while one impresses indelibly into his consciousness every word and syllable of the great

thought of this immortal sentence? Then let it be asked whether it be possible to conceive of any agency, power, or means, legislative or executive, that might not constitutionally be used to save and defend this "more perfect Union." Can it then be said that Abraham Lincoln, as President and Commander-in-Chief of the Army and Navy of the United States, with the sworn purpose to save the Union, "in time of actual armed rebellion," and for the purpose of "suppressing said rebellion," committed an unconstitutional act when he proclaimed emancipation?

The Constitution contains many affirmative provisions for the preservation and defense of the Union—among them, that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."* "No State shall enter into any treaty, *alliance*, or *confederation*."† "The executive power shall be vested in a President of the United States of America."‡ "The President shall be Commander-in-Chief of the Army and Navy of the United States, . . . and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment," § and "*he shall take care that the laws be faithfully executed*." || "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." ¶ "The United States shall guarantee to every State in this Union a republican form of government."** "*This Constitution, and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.*" ††

The Supreme Court of the United States—the only tribunal whose decision would be authoritative in such a matter—has never been called upon to pass directly upon the validity of the Emancipation Proclamation. But many questions of vast moment growing out of the war, and closely related to the proclamation, have been adjudicated in this Court. And hence we are justified in looking to these cases on kindred subjects.

Almost without exception the Presidential acts, exercised as war powers, have been upheld by the Supreme Court during and since

* Art. I, sec. 8.

† Art. I, sec. 10.

‡ Art. II, sec. 1.

§ Art. II, sec. 2.

|| Art. II, sec. 3.

¶ Art. III, sec. 3.

** Art. IV, sec. 4.

†† Art. VI.

the war. Prior to the rebellion important decisions had been rendered defining the war powers of the President. In one case Chief Justice Taney said : "As commander-in-chief he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country, and subject it to the sovereignty and authority of the United States." * Military orders issued under President Polk in the case of the accession of California, were upheld as constitutional by the Supreme Court. † The provisional courts established by the President in rebel territory during the rebellion have been held constitutional. ‡ The case of *Hamilton vs. Dillin* § is one which gives great prominence to these war powers of the President. The case of *Texas vs. White* is one that should be read by every American citizen who would have a clear view of the powers of the national Government and of the Government's powers of self-preservation.

There is another consideration necessary to a full understanding of the Emancipation Proclamation. It relates to the legislation of Congress prior to the proclamation. There can be no doubt that previous legislation completely justified President Lincoln in making the proclamation. Indeed, Congress explicitly and directly empowered the President to do exactly what he did. It will suffice to refer to one act of Congress, approved July 17, 1862, and entitled "*An Act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes.*" The act is full, and can not be quoted at length. The closing paragraph provides, "*That the President is hereby authorized at any time hereafter, by proclamation [sic], to extend to persons, who may have participated in the existing rebellion in any State or part thereof, pardon and amnesty, with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare.*" The provisions of this act relating to slavery are made part of the preliminary proclamation of September 22, 1862. The proclamation of January 1, 1863, by recitals adopts the September proclamation. So that here is the authority for

* *Fleming vs. Page*, 9 Howard, 614.

† *Cross vs. Harrison*, 16 Howard, 189 ; see *Dynes vs. Havin*, 20 Howard, 78.

‡ *Texas vs. White*, 7 Wallace, 700.

§ 21 Wallace, 74 ; see 6 Otto, 176, 193 ; 10 Otto, 257.

emancipation by direct act of Congress. Likewise, subsequent legislation is material. An act of Congress, approved March 2, 1867, declared *valid* and *conclusive* "all acts, proclamations," etc., issued between March 4, 1861, and July 1, 1866.* By this reference to Congressional action, it is not intended here to convey the idea that such legislation was *necessary* to justify or make valid the proclamation. Such an intent is distinctly disclaimed. But the proclamation has been assailed as "unconstitutional" and "illegal." Hence the citations to prove that the proclamation was and has been sustained by the "supreme law of the land."

That slavery has been abolished it is presumed no one will gainsay. If abolished, when did it cease? Did emancipation take place when the rebel armies capitulated? Nothing was said about slavery when Lee surrendered. Did it take effect at some period subsequent to the day of surrender? For reasons previously stated it could not have taken effect at a subsequent date. Did it not take effect when President Lincoln, acting for the Federal Government, *intended* it should take effect, on January 1, 1863? Or did the thirteenth amendment abolish slavery? This amendment declares :

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

This amendment was submitted by Congress to the Legislatures, February 1, 1865. Secretary Seward certified, December 18, 1865, that it had been duly ratified by twenty-seven of the thirty-six States. Did slavery exist in the United States after the Proclamation of Emancipation and up to the time of ratifying the amendment? Such a supposition is impossible. Relatively considered, there was no more *authority* for the amendment than for the proclamation. *Both* depended and depend for their validity upon the fact of their ratification. The *amendment* was ratified by the Legislatures of the States in the manner prescribed by the Constitution. The *proclamation* was ratified according to military warfare by the surrender at Appomattox. Each depended and depends for its efficacy upon the power of the people of the United States to maintain their provisions. The thirteenth amendment was not *necessary* to the abolition of the status of slavery. It performed the office of an entry on the journal of the court after the trial,

* 14 Statutes at Large, 756, sec. 4.

charge of the court, and verdict of the jury—a very fitting method of perpetuating the issue decided.

The United States Supreme Court has thrown light upon the question as to when military proclamations of the President are to be considered as having taken effect. In a leading case the proclamation was one removing restrictions upon trade and commerce. It bore date June 24, 1865. It was not *published* until June 27, 1865—three days later. A divided Court held that the proclamation took effect as of its date. The dissenting opinion contended it could not take effect until publication—the reasoning of both sides of the Court being based upon the ground that proclamations of the President were like statutes in their nature.*

The most authoritative decision of the Supreme Court, and the one nearest related to the Proclamation of Emancipation, occurs in the opinion rendered in the famous "Slaughter-House Cases." The proclamation was not directly in question, and therefore what is said by the Court in regard thereto is in its character *obiter dictum*. It is not out of place to give a brief quotation. The thirteenth and fourteenth amendments were before the Court for construction. The Court say : "In that struggle [the war of the rebellion] slavery, as a legalized, social relation, perished. It perished as a necessity of the bitterness and force of the conflict. When the armies of freedom found themselves upon the soil of slavery, they could do nothing less than free the poor victims whose enforced servitude was the foundation of the quarrel. And when, hard pressed in the contest, these men (for they proved themselves men in that terrible crisis) offered their services and were accepted by thousands to aid in suppressing the unlawful rebellion, slavery was at an end wherever the Federal Government succeeded in that purpose. The proclamation of President Lincoln expressed an accomplished fact as to a large portion of the insurrectionary districts when he declared slavery abolished in them all. But the war being over, those who had succeeded in reëstablishing the authority of the Federal Government were not content to permit this great act of emancipation to rest on the actual results of the contest, or the proclamation of the Executive, both of which might have been questioned in after-times, and they determined to place this main and most valuable result in the Constitution of the restored Union as one of its

* *Lapeyre vs. U. S.*, 17 Wallace, 191. See "The Venice," 2 Wallace 258; "The Reform," 3 Wallace, 617; *Keith vs. Clark*, 7 Otto, 454.

fundamental articles. Hence the thirteenth article of amendment of that instrument."*

It is very interesting in this connection to know how the proclamation has been construed and regarded by the Supreme Courts of those States in rebellion—the States immediately affected by it. As might be expected, the proclamation has been before those Courts for construction. A careful examination of all the reports of those States, issued since the rebellion, discloses that the proclamation has been passed upon directly or indirectly in all of these Courts. Generally speaking, the effect of the proclamation has been considered *indirectly*, in connection with other questions, so that the cases are few where the Court has passed upon the proclamation directly. Some of the Courts have made decisions bearing upon it, and then have reconsidered their decisions, leaving the question open. *All* of the Courts recognize, without qualification, that slavery has been abolished. According to the latest decisions, it is held in Georgia that it is unnecessary to decide *when* slavery was abolished. In Mississippi, say the Court, "It has not yet [1870] been adjudicated by the Courts of this State at what precise time slavery was abolished."† In South Carolina and Virginia the Courts have distinctly held that slavery was *not* abolished by the Emancipation Proclamation, but that emancipation was brought about by the war and by conquest.‡ The Supreme Court of Louisiana has expressly decided that slavery was abolished by the Emancipation Proclamation as of its date, January 1, 1863.§ In Texas, the precise question arose in "The Emancipation Cases," decided in 1868.¶ The Court were divided in opinion—three holding that slavery was *not* abolished by the proclamation. Two of the judges held that slavery *was* abolished by the proclamation, as of January 1, 1863. The dissenting opinion of Mr. Justice Hamilton in this case is a remarkable exhibition of learning, logic, and legal acumen. The majority opinion in this case was subsequently questioned, and the date of emancipation is now an open one in Texas. The Supreme Court of Aláabama has delivered the clearest decision of all, to the effect that slavery was abolished January 1, 1863, by the proclamation. The Court held: "The emancipation of slaves in this State is a fact which will be judicially noticed by

* 16 Wallace, 68.

† 13 "South Carolina Equity," 366.

‡ 43 Mississippi, 102.

§ 20 Louisiana Annual, 199.

¶ 31 Texas, 504.

the Courts, and it must be referred to some particular date. It was effected by the nation and not by the State. The only national act that decreed it was the proclamation of the President, of the 1st of January, 1863. The struggle afterward was merely an effort to prevent the proclamation from being carried into effect, and the total failure of the struggle refers emancipation back to that date."* The question afterward arose in this Court, when the *date* of emancipation seemed to be questioned, although this decision was reaffirmed. But Mr. Justice Peters delivered a dissenting opinion, rearguing for the full validity and effect of the proclamation as of its date. His opinion displays great learning and good sense. In support of his reasoning he cites the case of *McIlvaine vs. Coxe*, † decided by the United States Supreme Court, where it was held that the Declaration of Independence took effect as of its date, July 4, 1776, instead of September 3, 1783, when independence was officially recognized. ‡

Viewed as to its results, the Emancipation Proclamation was an overshadowing and glorious success. It united the friends of the Union. It threw into despairing forces new life. It brought into the armies of the Union as by magic one hundred and thirty thousand soldiers from the enfranchised race. It was the death-blow to slavery, not only in the sections embraced in the proclamation, but in the other slave-holding States, for these other slave-holding States at once proceeded to adopt constitutional amendments abolishing slavery. It was a finishing stroke to the rebellion. Without the proclamation, is it not safe to presume that the Union would have perished?

Therefore are these conclusions irresistible: that President Lincoln's Emancipation Proclamation was not contrary to international law; that *by its own force* it abolished slavery as of the date on which it was issued, viz., January 1, 1863; that it was in the strictest sense constitutional; and that no constitutional amendment was necessary to make the proclamation valid or effectual, or to abolish the status of slavery.

The immortal Lincoln was in no sense a smatterer. He was a profound reasoner. He was learned in the law. He studied and understood the Constitution of his country. He did not issue proclamations for sport, or to be hooted at. He did not toy with the mighty concerns of a republic. His every act was governed by

* 43 Alabama, 592.

† 4 Cranch, 209.

‡ 44 Alabama, 70.

the sincerest convictions guided by conscience. He was eminently a statesman. Patriotism and heroism were his crowning virtues. Whatever he did as President was done "to save the Union."

AARON A. FERRIS.

[NOTE.—In the August number of the "Review" appears a paper on the same subject by Richard H. Dana, wherein the article by Mr. Welling is cordially endorsed. Mr. Dana goes even further than the previous writer, and styles the proclamation as a "nullity" and as "a curiosity of history." Inasmuch as Mr. Dana simply affirms the conclusions of Mr. Welling, it is not deemed necessary to add anything here.]

A. A. F.

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